



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Nathan Deal
GOVERNOR

Tricia Pridemore, Director
GOVERNOR'S OFFICE of
WORKFORCE DEVELOPMENT

STATE OF GEORGIA

WORKFORCE INVESTMENT ACT

POLICY MANUAL

PROGRAM YEAR 2012

Revised as of 11/14/2012

Two Martin Luther king, Jr. Drive, SW, 1408 West Tower, Atlanta, Georgia 30334 ~Telephone: (404) 463-5030 FAX (404) 463-5043

Contents

WORKFORCE INVESTMENT ACT DEFINED	1
PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL	2
GOVERNOR’S OFFICE OF WORKFORCE DEVELOPMENT ORGANIZATIONAL CHART	3
STATE WORKFORCE INVESTMENT BOARD	7
COMPLAINTS AND GRIEVANCES	11
MONITORING, EVALUATION AND TECHNICAL ASSISTANCE.....	13
STATEWIDE PERFORMANCE AND SANCTIONS	16
PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION	20
LOCAL WORKFORCE INVESTMENT AREA.....	22
QUALITY CONTROL	23
GRANT ADMINISTRATION	27
FIVE YEAR PLAN SUBMISSION	28
STATE APPLICATION FOR FEDERAL ASSISTANCE	29
ASSURANCES AND CERTIFICATIONS	30
FINANCIAL	36
PROGRAM PERFORMANCE REPORTING.....	37
DATA ELEMENT VALIDATION	38
WAIVERS	39
GRANT ADMINISTRATION	41
WIA ADMINISTRATIVE STANDARDS.....	42
SERVICE PROVIDER SELECTION PROCESS PROVIDER AGREEMENTS	48
PERFORMANCE INCENTIVE AWARD POLICY.....	49
FINANCIAL MANAGEMENT SYSTEM.....	50
COST ALLOCATION PLAN & COSTS POOLS	51
GRANT ALLOCATION	52
WIA ALLOCATION PROCESS TIMELINE	53
DRAWDOWNS.....	54
GOVERNOR’S RESERVE FUND	56
COST PRINCIPLES, ALLOWABLE COST & UNALLOWABLE COSTS	57
EXPENSE GUIDELINES	58
CASH MANAGEMENT	61
LOST OR STOLEN/FORGED CHECKS.....	62
PROGRAM INCOME	63
EXPENDITURE REPORTING TO GOWD	66

RECAPTURE AND REALLOCATION POLICY	67
GRANT AGREEMENT CLOSEOUT	68
AUDITS AND RECORD RETENTION.....	69
GRANT ELIGIBILITY DISBARMENT	74
PROGRAMMATIC.....	75
ONE-STOP SYSTEM	76
PERFORMANCE MEASURES UNDER COMMON MEASURES.....	80
WIA DATA SOURCES	83
PARTICIPATION AND EXIT UNDER COMMON MEASURES	86
REPORTING DIFFERENCES BETWEEN THE WIA ACCOUNTABILITY SYSTEM & COMMON MEASURES..	89
ELIGIBILITY	91
GENERAL ELIGIBILITY DETERMINATION PROCESS.....	92
SOCIAL SECURITY NUMBER PROCEDURE	94
FAMILY SIZE AND INCOME DETERMINATION	95
SELECTIVE SERVICE REGISTRATION REQUIREMENTS.....	97
ADULT AND DISLOCATED WORKER ELIGIBILITY AND PRIORITY FOR SERVICES.....	100
YOUTH	101
INDIVIDUAL EMPLOYMENT PLAN (IEP)	105
INDIVIDUAL SERVICE STRATEGY (ISS).....	106
SERVICES AND ACTIVITIES FOR WIA.....	107
INDIVIDUAL TRAINING ACCOUNTS (ITA)	113
ON-THE-JOB TRAINING (OJT).....	115
CUSTOMIZED TRAINING	117
ELIGIBLE TRAINING PROVIDERS	118
WIA TRAINING PROVIDER APPEAL PROCESS.....	121
CERTIFICATES AND CREDENTIALS.....	123
SUPPORTIVE SERVICES	125
FOLLOW-UP SERVICES AND ACTIVITIES	130
THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN).....	132
RAPID RESPONSE	136
MONITORING & REPORTING	138
ONSITE MONITORING.....	139
QUARTERLY REPORTING.....	140
Appendix A: Grants Management System (GMS).....	0
Technology.....	3

The software component of the system was written and designed by Deloitte & Touche, LLP. In addition to the initial design, Deloitte supplies secure remote maintenance and updates pursuant to contract.....	3
The physical system was built according to specifications from Deloitte and consistent with state policy.	3
Whereas reliability and security is of the utmost importance, the content of the entire primary hard drive of the system is backed up nightly. Both the system and the backup drive are password protected. While nightly backups are automated, the system is monitored to ensure proper performance.....	3
The system is connected to the local area network via the GOWD 1 router. It is tangent to the network that connects the GOWD staff to the SOG network. Thus, GOWD staff has login capabilities to GMS, while the system is not open to other SOG users. This system is established as such to ensure both security and accountability..	3
System.....	3
Security.....	3

WORKFORCE INVESTMENT ACT DEFINED

The Workforce Investment Act is a U.S. federal law enacted in 1998 to replace the Job Training Partnership Act and certain other Federal laws relating to job training. The purpose of the act is to provide workforce investment activities through statewide and local workforce investment systems. The aim behind it is to increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants. The end goal is to improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation.

The act authorizes the establishment of workforce investment activities for eligible youth, statewide employment and training activities for adult and dislocated workers, and a national job corps program. It is carried out in partnership with states and communities. Workforce investment boards were established for carrying out these functions working in partnership with the state and local communities.

PURPOSE OF THE STATE WORKFORCE INVESTMENT ACT POLICY MANUAL

The purpose of the State Workforce Investment Act (WIA) Policy Manual is to provide policy guidance and interpretation of Federal and State workforce laws. Procedural guidance is also provided to assure consistency. The manual is intended for use in conjunction with Federal and State laws and regulations.

I. Authority

The Governor's Office of Workforce Development, hereinafter referred to as the GOWD, has been designated, to act on behalf of the Governor, as the oversight entity of the Workforce Investment Act of 1998 (29 USC § 2801e.eq.) Title IB Adult, Youth, and Dislocated Worker Programs. As the designated oversight entity the GOWD is given the following responsibilities and authority:

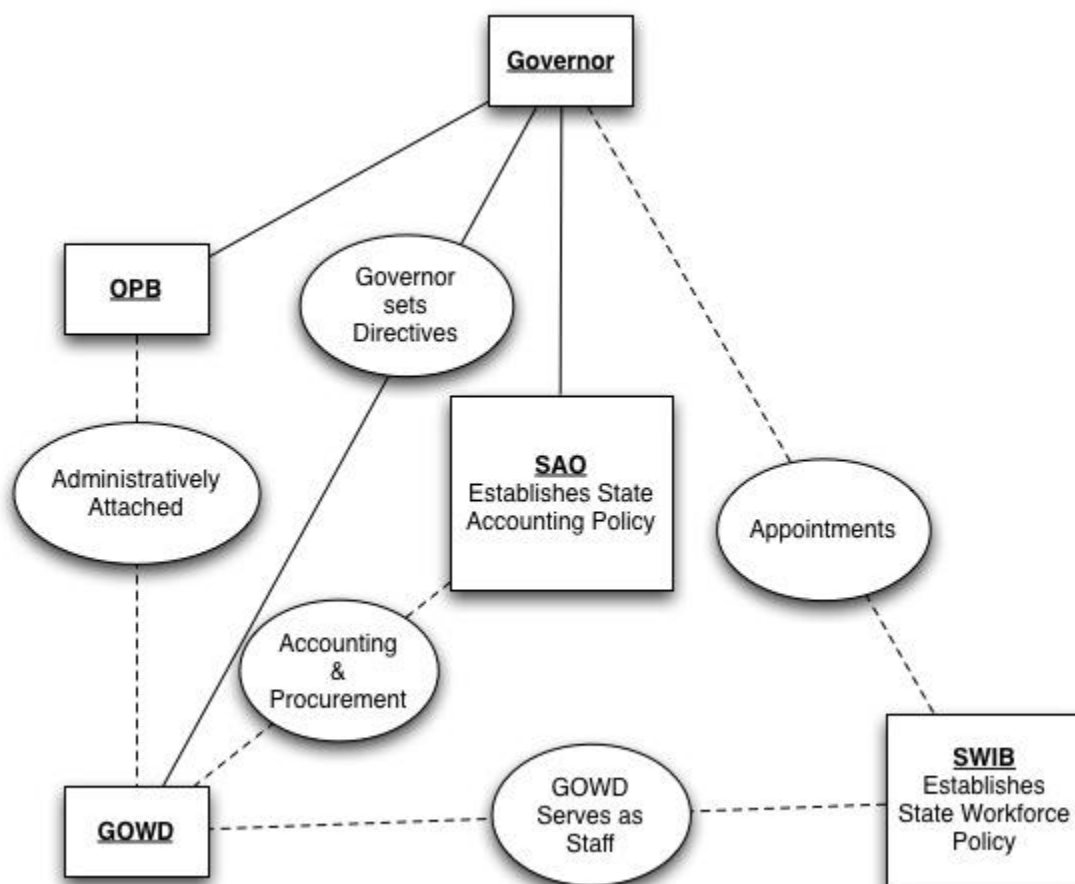
- A. To write or modify any policies or procedures, which are necessary to interpret or clarify policies on behalf of the Governor;
- B. To waive, for good cause, any parts of the manual, which are not required by law or regulations;
- C. To interpret the manual; and
- D. To monitor for compliance with the Workforce Investment Act.

II. Complaints, Waivers, Interpretation

All complaints and request for waivers or interpretation of any part of this manual must be sent to the GOWD.

Governor's Office of Workforce Development
Two Martin Luther King, Jr. Drive, S.W.
1408 West Tower
Atlanta, Georgia 30334

GOVERNOR'S OFFICE OF WORKFORCE DEVELOPMENT ORGANIZATIONAL CHART



SWIB

§ 34-14-2. Board membership; board's powers, functions, and funding

(a) Pursuant to the Workforce Investment Act of 1998, Public Law 105-220, there is created the Georgia Workforce Investment Board.

(b) The board shall consist of members to be selected by the Governor consistent with federal law requirements, two members of the House of Representatives, appointed by the Speaker of the House, and two members of the Senate, appointed by the Lieutenant Governor. A majority of the members of the board shall be representatives of businesses in this state. Other members may include, but shall not be limited to, representatives of individuals and organizations that have experience and expertise in education, the economy, the workforce, and labor.

(c) The chairperson of the board shall be appointed by the Governor. Other officers shall be elected or otherwise selected as determined by the Governor.

(d) The members of the board shall serve such terms as established by the Governor, and the members shall continue at the discretion of the Governor, except for the members of the House of Representatives and the Senate, who shall continue at the discretion of the Speaker of the House and the Lieutenant Governor, respectively.

- (e) The board shall have such powers and duties as specified by the Governor and as provided by federal law.
- (f) The board shall adopt bylaws to guide its proceedings.
- (g) The board shall be funded by federal law as provided in this chapter.
- (h) The board shall be attached to the Office of Planning and Budget for administrative purposes only.
- (i) Each member of the board who is not otherwise a state officer or employee shall be authorized to receive reimbursement for reasonably necessary travel expenses incurred in the performance of his or her duties as a member of the board, provided that such funds are available and such reimbursements are allowable under federal law. Should funds not be available or allowable for this purpose, such members shall serve without compensation. Each member of the board who is otherwise a state officer or employee shall be reimbursed by the agency of which he or she is an officer or employee for reasonably necessary travel expenses actually incurred in the performance of his or her duties as a member of the board, provided that such funds are available and such reimbursements are allowable under federal law. Except as otherwise provided in this subsection, members of the board shall receive no compensation for their services.
- (j) The board shall be authorized to consult with and form committees with members and persons knowledgeable on the subject matter at issue in order to effectively carry out its duties. Such consultants shall serve without compensation but shall be reimbursed for travel and other reasonable and necessary expenses incurred while attending meetings of or on behalf of the board, provided that such travel and other expenses are approved by the director and such reimbursements are allowable under federal law.
- (k) The Governor's Office of Workforce Development shall be authorized to employ and contract with other individuals and organizations as needed to assist in executing the board's responsibilities, provided that funds are available for such expenditures and such expenditures are allowable under federal law.
- (l) All state departments, institutions, agencies, commissions, councils, authorities, boards, bureaus, or other entities of the state shall provide all information and support as required by the board to perform its duties.

GOWD

§ 34-14-3. Governor's Office of Workforce Development established; executive director; attachment to Office of Planning and Budget

- (a) (1) The Governor's Office of Workforce Development is hereby established to implement state workforce development policy as directed by the Governor and to serve as staff to the board.
- (2) In addition, the office is authorized to establish certification in soft skills, which may include, but not be limited to, skills relating to punctuality, ability to learn, and ability to work in a team, as a discrete and complementary component to the current assessment system utilized in Georgia to measure an individual worker's skill and knowledge in the areas of applied mathematics, reading for information, and locating information to determine and indicate to potential employers such worker's level of work readiness. Such certification is intended to assist both the existing workforce as well as the state's emerging workforce. The office is authorized to explore local, national, and international soft skills programs for the purpose of developing a soft skills certifications system.
- (3) The office is authorized and encouraged to work with the state's emerging workforce, including rising and graduating high school students, with the goal that, upon graduation, high school students have both a diploma and certification in soft skills and work readiness to enable them to be successful in postsecondary

education, a career pathway, or both. The office may collaborate with the Department of Education and the Board of Technical and Adult Education to facilitate coordination with high schools so that high school students can attain certification in soft skills and work readiness.

(b) The Governor's Office of Workforce Development shall have an executive director appointed by the Governor whose duties are to implement state-wide workforce development policy as directed by the Governor, to serve as workforce development policy advisor to the Governor, and to serve as executive director to the board.

OPB

O.C.G.A. § 34-14-3 The Governor's Office of Workforce Development shall be attached to the Office of Planning and Budget for administrative purposes only.

O.C.G.A. § 34-13-2 The SWIB shall be attached to the Office of Planning and Budget for administrative purposes only.

SAO

§ 50-5B-1. Office created; state accounting officer

(a) The State Accounting Office is created and shall be administered by the state accounting officer.

(b) The state accounting officer shall be appointed by the Governor and shall serve at the pleasure of the Governor.

(c) Beginning July 1, 2005, the state accounting officer shall receive an annual salary to be set by the Governor. The state accounting officer shall also be reimbursed for all actual and necessary expenses incurred by him or her in carrying out his or her official duties.

(d) The state accounting officer shall be required to take and subscribe before the Governor an oath to discharge faithfully and impartially the duties of such office, which oath shall be in addition to the oath required of all civil officers.

§ 50-5B-3. Duties of the state accounting officer; recommendations for improving cash management practices; implementing policies

(a) The state accounting officer shall:

(1) Prescribe state-wide accounting policies, procedures, and practices;

(2) Prescribe, develop, operate, and maintain uniform state accounting systems for all state government organizations which facilitate financial accounting and reporting in accordance with generally accepted accounting principles and also meet state and federal accounting and financial reporting requirements;

(3) Prescribe the manner in which disbursements shall be made by state government organizations;

(4) Prescribe and supervise the installation of any changes in the state accounting information systems necessary to secure and maintain internal control and facilitate the recording of accounting data for the purpose of preparing reliable, timely, and meaningful statements and reports;

(5) Manage the state's accounting, payroll, and human capital systems;

(6) Using generally accepted accounting principles, prepare the state's financial statements and other reports in accordance with legal requirements;

(7) Provide annual financial statements and other reports to the state auditor and other auditors, as appropriate, for review and certification when required by statute or federal regulation;

(8) Develop interim reports on the financial condition and budgetary compliance of the state and various state organizations;

(9) Determine the proper classification for accounting and reporting purposes of all assets, liabilities, revenues, expenditures, fund balances, funds, and accounts in compliance with legal requirements and generally accepted accounting principles and prescribe a uniform classification of accounts and other accounting identifiers which shall be used by all state organizations;

(10) Develop processes and systems to improve accountability and enhanced collection of accounts receivable due to the state. In developing these processes, the state accounting officer may prescribe procedures to allow for the recognition of uncollectible accounts for financial reporting purposes. He or she may also develop guidelines to allow uncollectible debts to be removed from active collection processes. This recognition shall not remove or diminish the state's claim on accounts or debt owed to the state; and

(11) Develop processes and systems to improve accountability and enhance efficiency for disbursement of funds and management of accounts payable.

(b) The state accounting officer may recommend processes and systems to improve the cash management practices of the state to the State Depository Board. The state accounting officer in cooperation with the Office of the State Treasurer may prescribe policies and procedures to implement the policies of the board.

§ 50-5B-4. Obligations of state government organizations with respect to the state accounting officer

(a) As used in this chapter, the term "organization of state government" shall mean, without limitation, any agency, authority, department, institution, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. Such term shall not include any entity of local government, including, but not limited to, a county, municipality, consolidated government, board of education, or local authority, or an instrumentality of any such entity. (b) All organizations of state government and all officers, agents, and employees thereof shall conform to and comply with the rules, regulations, policies, procedures, and forms devised, promulgated, and installed by the state accounting officer.

(b) All organizations of state government shall submit statements, reports, information, and data necessary to enable the state accounting officer to complete the reports required under this Code section and Code Section 50-5B-3.

(c) All organizations of state government may only create and maintain accounting systems or subsidiary accounting systems that have been approved by the state accounting officer.

(d) All organizations of state government shall provide lease information to the state accounting officer to permit the state accounting officer to properly account for and report all capital and operating leases.

(e) All organizations of state government shall provide information to the state accounting officer necessary to properly account for and report real property and personal property.

(f) All information and reports required in this Code section shall be provided in the form and within the time frame prescribed by the state accounting officer.

STATE WORKFORCE INVESTMENT BOARD

As required by Section 111(b) (1) of the Workforce Investment Act of 1998 the Governor established a State Workforce Investment Board (SWIB). The Governor's appointments to the SWIB were made in compliance with the criteria in WIA Section 111(b) (2).

- I. State Board Membership Requirements Include:
 - A. Governor or Governor's designee;
 - B. Two members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and
 - C. Representatives of business in the State, who:
 - 1. Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy making or hiring authority;
 - 2. Represent businesses with employment opportunities that reflect the employment opportunities of the State; and
 - 3. Are appointed from among individuals nominated by State business organizations and business trade associations;
 - D. Chief elected officials (representing both cities and counties, where appropriate);
 - E. Representative of labor organizations, who have been nominated by State labor federations;
 - F. Representatives of individuals and organizations that have experience with respect to youth activities;
 - G. Representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officer of community colleges and community-based organizations within the State;
 - H. Lead State agency officials with responsibility for the programs and activities carried out by one-stop partners or a representative in the State with expertise relating to such programs, service, or activity when there is no lead State agency official; and
 - I. Any other representatives and State agency officials as the Governor may designate, such as the State agency officials responsible for economic development and juvenile justice programs in the State.
- II. Responsibilities
 - A. As the advisory board to the Governor on workforce development the State Workforce Investment Board's responsibilities include:
 - 1. Assisting the Governor with the development of the State plan and annual report;
 - 2. Development and continuous improvement of a statewide system of activities that are funded under WIA Title IB or carried out through a one-stop delivery system including:
 - a. Development of linkages in order to assure coordination and non-duplication among the programs and activities;
 - b. Review of Local Plans.
 - 3. Commenting at least once annually on the measures taken pursuant to section 13(b)(14) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C 2323(b)(14));
 - 4. Designation of local areas including receipt of grievances or requests for designation;
 - 5. Development of allocation formulas for the distribution of funds for adult employment and training activities and youth activities;
 - 6. Development and continuous improvement of comprehensive State performance measures, including State adjusted levels of performance, to assess the effectiveness of the workforce investment activities in the State as required under section 136(b);
 - 7. Development of statewide employment statistics system; and
 - 8. Development of an application for incentive grants under WIA section 503.
 - B. Under the single statewide planning area structure the State Workforce Investment Board assumed the Local Workforce Investment Board's responsibilities including:

1. Designing service systems and providing services in accordance with the Workforce Investment Act Law and Regulations. Such services will be provided in compliance with all federal and state laws, regulations and rules;
2. Conducting oversight of youth, adult and dislocated worker programs and the one-stop delivery system in partnership with the chief elected official of the area;
3. Designation or certification of one-stop operators;
4. Identification of eligible providers of youth activities;
5. Identification of eligible providers of intensive and training services;
6. Oversight of the provision of all services, including a comprehensive monitoring system, a performance accountability monitoring system, and an outcome based evaluation system;
7. Ensuring that access to a full range of services is available for special populations such as youth, migrant and seasonal farm workers, veterans, persons with disabilities, older workers, and individuals with limited English proficiency.

III. Conflict of Interest

The State Workforce Investment Board has the responsibility to ensure all board members are aware of the WIA Conflict of Interest Policy in WIA Law Section 111(f) that says a member may not vote on a matter under consideration by the board:

- A. Regarding the provision of services by such member (or by an entity that such member represents); or
- B. That would provide direct financial benefit to such member or the immediate family of such member; or
- C. Engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

IV. Memorandum of Understanding/Contracts

The State Workforce Investment Board has the responsibility to:

- A. Ensure the development and execution of a Memorandum of Understanding/Contract between the Board and other Workforce Investment Act partners concerning delivery of required programs and activities in order to meet the MOU/contract requirements in Section 121(b) (c) of the Workforce Investment Act. The provisions of the Memorandum of Understanding/Contract, at a minimum, must cover:
 1. The services to be provided through the one-stop delivery system;
 2. How the costs of such services and the operating costs of the system will be funded;
 3. Methods for referral of individuals between the one-stop operator and the one-stop partners, for the appropriate services and activities;
 4. The duration of the memorandum/contract and the procedures for amending the memorandum/contract during the term of the memorandum/contract; and
 5. Such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

WIA Sec. 121 (b) (c) and Regulations 20 CFR 662.300
- B. Provide, upon request by the GOWD, copies of contracts and Memorandum of Understanding (as required by Section 121 (c) of WIA) to document partnerships, relationships, duties and cost sharing with one-stop center partners.

V. Integrated Workforce System

The State Workforce Investment Board has the responsibility to implement an integrated workforce system in compliance with:

- A. The State's five-year strategic plan; and
- B. State policies and procedures applicable to the Board's activities.

VI. Accessibility

The State Workforce Investment Board has the responsibility to insure access to local workforce development services available at times consistent to meet community needs.

VII. Sunshine Provisions

The State Workforce Investment Board has the responsibility to conduct all activities and meetings under this Agreement in compliance with the provisions of the Georgia Open Meeting Laws and the Sunshine Provision requirement in the Workforce Investment Act Section 111(g), Regulations at 20 CFR 661.207, O.C.G.A. Title 14, and O.C.G.A. Title 18, Article 4. Below are recent changes in the law, this is not an exhaustive list.

	New Requirement	Cite
Notice for Regularly Scheduled SWIB & Committee Meetings	Posted at least <u>one week</u> in advance at regular place of meeting and on website. Must provide/post agenda as far in advance as possible <u>within two weeks</u> prior to meeting.	O.C.G.A. §§ 50-14-1 (d)(1) & (e)(1)
Notice for SWIB & Committee Meetings Not Previously Posted	Posted at least <u>24 Hours</u> in advance at regular place of meeting and given to legal organ.	O.C.G.A. §§ 50-14-1 (d)(2)
Meeting Summary	Written summary of actions and members present must be made available within 2 business days of the meeting.	O.C.G.A. §§ 50-14-1 (e)(2)(A)
Meeting Minutes	Includes SWIB & committees. Made available immediately following next scheduled meeting (can be made available sooner). Must include names of members present, description of each motion and proposal, name of each person making and seconding each motion and proposal, and a record of each vote. Minutes now required for executive session portions of meetings, but not for public inspection [we typically do not have executive session portions of meetings].	O.C.G.A. §§ 50-14-1 (e)(2)(B) & (C)
Teleconference	Permitted for SWIB and committees. Can occur in limited, emergency circumstances for Local Boards.	O.C.G.A. §§ 50-14-1 (f) & (g)

VIII. Labor Market Information

The State Workforce Investment Board has the responsibility to utilize the State's labor market information system to identify, by occupation, the labor demand by employers in each workforce investment area.

IX. The State Oversight's Role and Responsibilities

To ensure that the State Workforce Investment Board members understand the State's oversight role and responsibilities, staff from the GOWD should participate in all new board member orientation to explain the GOWD's role and responsibilities as they relate to WIA on behalf of the Governor.

WIA Sec. 117(d)(3)(B)(i)(I)

COMPLAINTS AND GRIEVANCES

Whenever any person, organization or agency believes that the Governor, or the Governor's designee, WIA grant recipient or Governor's designee, WIA grant recipient or other sub recipient (e.g. service providers, contractors) has engaged in conduct that violates the WIA Act and has a concern regarding this violation, the problem should first be discussed informally between those involved and then with the Governor's Office of Workforce Development (GOWD) before a grievance or complaint is filed. Grievances or requests regarding local area designation should be directly submitted to the Executive Committee of the State Workforce Investment Board for review before the full SWIB.

The grievance or complaint process is intended to allow for a resolution of the violation at the most local level. Applicants and participants for WIA-related services through the Workforce Investment Act (WIA) Title I will be treated fairly by GOWD or any of its sub recipients for funds entrusted to the agency and no applicant, participant, employee, service provider or training provider will be intimidated, threatened, coerced or discriminated against because they have made a compliant, testified, assisted or participated in any manner of an investigation, proceeding or hearing.

The Governor's Office of Workforce Development is prohibited from discriminating, under Section 188 of the Workforce Investment Act of 1998, against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity.

Grievances and complaints should be filed as the participant's right in accordance with the written procedures established by the Governor's Office of Workforce Development in this subsection for WIA-funded program or activity whether informally or formally signed and in written form.

If you think that you have been subjected to discrimination under a WIA-funded program or activity, you may file a complaint within 180 days from the date of the alleged violation to the WIA Equal Opportunity Officer at the local area. If you elect to file your compliant with the Governor's Office of Workforce Development, you must wait until the local area has issued a decision or until 30 calendar days have passed, whichever is sooner, before filing with the Governor's Office of Workforce Development.

After 30 calendar days of filing your grievance, the Governor's Office of Workforce Development requires the local area to provide a formal decision, if the issue is not resolved informally. If you find the local hearing decision unsatisfactory, or if the local area does not respond to you in the allotted 30 days, you will have the opportunity to file a request for review by the Governor's Office of Workforce Development.

If you find the Governor's Office of Workforce Development's decision unsatisfactory, or if GOWD does not respond to you in the allotted 45 days, you will have the opportunity to file a request for review by the Executive Council Officer of the Governor. At the State level, WIA requires an opportunity for an informal resolution and hearing to be completed within 60 calendar days of the filing. If the State's representative GOWD or the Executive Council does not respond within the 60 days, or either party wants to appeal, WIA allows for a formal appeal to the U.S. Department of Labor. Federal appeals must be made within 60 calendar days of the receipt of the decision being appealed. USDOL will make a final decision no later than 120 days after receiving a formal appeal.

USDOL will only investigate grievances and complaints arising through the established procedures by the State. WIA does not allow for federal intervention until the formal procedure has been followed as outlined below.

- I. Contact Local Area for inquiry to resolution of alleged grievance or complaint
- II. Contact State WIA EO Officer, GOWD

Cherry Peterson
Governor's Office of Workforce Development
Two Martin Luther King, Jr. Dr. SW
1104 West Tower
Atlanta, Georgia 30334
Email: CPeterson@georgia.gov
Phone: (404)656-9485
Fax: (404)463-5043

OR

Tricia Pridemore, Executive Director
Governor's Office of Workforce Development
Two Martin Luther King, Jr. Drive, S.W.
1104 West Tower
Atlanta, Georgia 30334
Email: Tpridemore@georgia.gov
Phone: (404) 656-9485
Fax: (404) 463-5043

- III. Ryan Teague, Esq., Executive Council
Office of the Governor
201 State Capitol
Atlanta, Georgia 30334
Phone: (404)656-1776

- IV. Director, Civil Rights Center (CRC),
U.S. Department of Labor
200 Constitution Ave. NW Room – N4123
Washington, DC 20210

Use form at: <http://www.dol.gov/oasam/programs/crc/Cife.pdf>

People with Hearing Impairments may contact the Georgia Relay Center at 1-800-255-0056 or 711

Discrimination complaints related to WIA service delivery are handled separately from non-criminal complaints from participants. If you think that you have been subjected to discrimination under a WIA Title I financially assisted program or activity, please see Section 1.7 Notice of Equal Opportunity and Nondiscrimination and Section 3.1.1 WIA Administration Standards.

In case of suspected fraud, abuse or other alleged criminal activity, you should direct your concerns to the Georgia Office of Inspector General, 1-866-435-7644 or email at inspector.general@oig.ga.gov

MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring, evaluation and technical assistance are an integral part of the oversight responsibilities required by law. Monitoring is an essential part of program management to ensure compliance with appropriate laws, regulations, plans, provider agreements, policies and procedures. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities.

Special onsite reviews may be conducted to investigate allegations of mismanagement or to clarify unusual findings. Special reviews may or may not result in corrective action. A special review could lead to the implementation of an investigation of known or suspected incidents of fraud, program abuse, or criminal conduct.

I. Monitoring Process

- A. The GOWD conducts program, data and fiscal monitoring and evaluation of local areas annually. Monitoring is conducted to review the previous program year(s). Onsite monitoring and/or limited scope reviews may consist of interviews with appropriate staff and reviews of policies, procedures, accounting reports, source documents, and other records as considered necessary pertaining to any or all of WIA Title IB activities including:
 - 1. Fiscal
 - 2. Adult
 - 3. Youth
 - 4. Dislocated Worker (Formula)
 - 5. Dislocated Worker (NEG)
 - 6. Work Experience (WEX)
 - 7. On-the-Job Training
 - 8. Customized Training
 - 9. Management Information System (MIS)
 - 10. Eligible Provider List
 - 11. The One-Stop System including One-Stop Operators, Centers, and Service Providers.
- B. Monitoring may be conducted onsite with additional oversight conducted by telephone, desk reviews of documents and reports, and such other means as deemed necessary by the GOWD. Members of entities such as One-Stop Operators, State Workforce Investment Board members, or U.S. Department of Labor may accompany onsite monitors. GOWD reserves the right of conduct additional periodic monitoring as it deems necessary.
- C. Regular oversight and monitoring of WIA activities and providers of core, intensive and training services is conducted to ensure compliance with WIA requirements including:
 - 1. Compliance with the uniform administrative requirements described in WIA Law Title IB Section 184 and USDOL uniform administrative requirements, including the appropriate administrative requirements and applicable cost principles at WIA Reg.667.200 for all entities receiving WIA Title IB funds.
 - 2. Compliance with applicable laws and regulations in accordance with the State's monitoring system;

3. Determining that expenditures have been made against the cost categories and within the cost limitations specified in the Act and Regulations and in this part;
 4. Ensuring that established policies are achieving the program quality and outcomes meet the objectives of the Act and the WIA regulations;
 5. Compliance with the nondiscrimination and equal opportunity requirements of WIA Section 188 and 29 CFR part 37. Requirements for these aspects of the monitoring system are set forth in 29 CFR 37.54(d)(2)(ii);
 6. Compliance with data collection and reporting system policies and procedures;
 7. Determining whether or not there is compliance with other provisions of the Act and the WIA regulations and other applicable laws and regulations; and
 8. Determining if service providers and contractors have demonstrated substantial compliance with WIA requirements.
- D. Findings of Noncompliance: If, as a result of financial and compliance audits or otherwise, the GOWD has determined that noncompliance with the uniform administrative requirements found at 29 CFR part 95 or part 97, as appropriate, the requirements referred to in WIA Sections 181 and 184, 29 CFR Part 37, or any other substantial violation of WIA Title IB, the GOWD will require corrective action to secure prompt compliance.
- E. Failure to Take Corrective Action: If as a result of financial and compliance audits or otherwise, the GOWD has determined a substantial violation of specific provisions of WIA Title IB, and corrective action has not been taken, the GOWD may:
1. provide technical assistance as necessary and appropriate;
 2. prohibit the use of eligible providers;
 3. select an alternative entity to provide services;
 4. withhold one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld.

II. Schedules and Timelines for Monitoring

Date set for onsite review	30 days before review
Onsite review is conducted	
Entrance and Exit Interviews	Conducted at the time of the onsite review
Report mailed to Service Providers	30 days after onsite review
Corrective Action Plan due	30 days from date the report was received
Accept or Deny Corrective Action Plan	45 days from date Corrective Action Plan was received by the State

Corrective Action taken	30 days after approval of corrective action plan Requests to extend corrective action plan are negotiable
Follow-up	Within 30 but no more than 120 days after approval of corrective action plan.

III. Evaluation

Evaluation is the measurement of the effectiveness of programs in meeting objectives, program goals and performance standards. Evaluations are intended to promote, establish, implement, and utilize methods for continuously improving workforce activities in order to achieve high-level performance within, and high-level outcomes from the statewide workforce investment system.

The GOWD will produce a report on training provided and the use of training funds that is presented to the State Workforce Investment Board **annually**. This report includes the types of training providers used, the top training programs requested by WIA participants, a comparison of in-state and out-of-state training costs, comparison of cost categories for training, comparison of the cost between different types of training providers, and a comparison of participant training completions and participant outcomes. The information on training is also included in the WIA Annual Report.

Additional reports as requested by the SWIB will be produced on behalf of the workforce system. From these reports, the SWIB and GOWD will be able to assess how effective the programs are in meeting objectives and goals and recommend any improvements that need to be made.

IV. Technical Assistance

Technical assistance and training may be recommended by the GOWD or requested by the Local Workforce Areas. Technical assistance may be the means of improving operations, facilitating the implementation of corrective action or providing information. Local Workforce Areas will not be monitored on the quality or compliance of their programs during technical assistance visits but will be provided direction to improve quality and compliance issues. GOWD may provide technical assistance and training directly or outside sources may be used. Such requests should be coordinated through the appropriate program manager or specialist.

Requests for minor technical assistance may be submitted verbally or in writing. If major assistance or assistance in several areas is requested, the request should be in writing so that staff has sufficient information to decide on the most appropriate form and level of assistance to provide. If several service providers request assistance in related areas, a general training session may be scheduled.

Program managers and financial specialists may schedule technical assistance visits to service providers to provide information or special training, discuss areas of concern, evaluate program operation, or any combination thereof.

Local Workforce Area attendance is required at state-sponsored technical assistance sessions.

STATEWIDE PERFORMANCE AND SANCTIONS

I. One-Stop Operator Performance

One-Stop Operator Performance will be evaluated based on the Terms and Provisions and Scope of Service in their One-Stop Operator Agreement.

II. Local Area Performance

Federal Performance Measures will be applied to all Local WIA Areas and they must meet all of the Federal performance measure levels applicable to the program(s), Adult, Dislocated Worker, or Youth, for which they receive funding. Local Workforce Areas that fail to meet applicable performance standards will be subject to sanctions. The chart below shows example Performance Measures.

STATE OF GEORGIA PERFORMANCE MEASURES PROGRAM YEAR XX

Performance Measure	PY-XX
Adult	
Entered Employment	70.5%
Employment & Retention	80.0%
Six Months Average Earnings	\$11,000
WIA Dislocated Worker	
Entered Employment	73.0%
Employment & Retention	87.0%
Six Months Average Earnings	\$13,800
WIA Youth	
Placement in Employment/Education	59.0%
Attainment of Degree/Certificate	63.0%
Literacy/Numeracy Gains	28.0%
Wagner-Peyser Measures	
Entered Employment Rate	43.0%
Employment Retention Rate	70.0%
Average Six Month Earnings	\$13,000

III. Performance Calculations

Acceptable performance for each measure is calculated based on negotiated factors which are explained in the management information system section.

IV. Sanctions

Sanctions ensure that program operators and the overall workforce investment area have adequate tools to maintain high standards of performance. Sanctions provide technical assistance to improve performance, and the understanding necessary to take the proper action in the event program performance is not improved.

Sanctions may be applied to the One-Stop Operator and to individual local area for failing to meet performance.

The GOWD will provide information regarding sanction issues to the appropriate committee(s) of the State Workforce Investment Board. Sanctions include, but are not limited to, the steps described below. The steps are progressive in nature: failure to comply with step one may lead to the action set forth in step two.

1. Corrective action planning and implementation.
2. Placement on probationary status. Probationary status is a period of not more than two years in which the Local Workforce Area may have funding reduced or de-obligated; must maintain monthly contact with GOWD staff and make appropriate status reports until the Local Workforce Area has clearly indicated that problems and concerns are corrected.
3. Reduction or de-obligation of all or part of the funds.
4. Re-allotment of funds.
5. Termination of the Provider Agreement.

V. General Guidelines for Application of Sanctions

Sanctions will be based on the severity of the performance problem as follows:

- A. Failure to achieve at least 80% of the negotiated rate on any performance measure in any one year.
- B. Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any one year. The GOWD will provide technical assistance and require the service provider to develop a Corrective Action Plan for that program to improve performance. GOWD Staff will notify the appropriate committee of the SWIB, who will review and monitor the plan and may recommend that the Local Workforce Area to be placed on probation.
- C. Failure to attain at least an 80% Composite Performance Rate (all program measures) for a program in any two consecutive years. The GOWD will notify the SWIB, who may recommend de-obligation or termination of the Provider Agreement.

The GOWD will provide technical assistance and require corrective action.

VI. Other Sanctions

- A. Failure to Perform. The Governor's Office of Workforce Development will monitor the Local Workforce Areas performance as per individual agreements. Performance will be based on plan versus actual expenditures of funds and fulfillment of the Terms and Provisions and Scope of Services. The process will include monthly program and fiscal desk review; regular communication with operators and providers; attendance at training and technical assistance sessions; Monthly Status Reports; and Agreement Modifications and Monitoring.

Local Workforce Areas found deficient in any of these areas will submit a corrective action plan to the GOWD. The GOWD will provide the appropriate technical assistance.

Should a Local Workforce Area fail to fulfill the corrective action, and GOWD staff has exhausted the viability of technical assistance as a remedy to correct the problem, staff will forward the information to the appropriate committee(s) of the SWIB recommending that the Local Workforce Area be placed on probationary status.

Failure to successfully complete all terms of the probationary status may result in recommending de-obligation of funds and/or ineligibility for any future funding consideration.

- B. In cases of claims of known or suspected incidents of fraud, malfeasance, misapplication of funds, gross mismanagement, or other criminal activities in federally-funded programs, the GOWD will report all known information on the Federal Incident Report (20 CFR 629.55). In addition, oversight staff may initiate a special investigation or audit of the incident. The special investigation or audit may include, but is not limited to additional on-site monitoring and/or a financial audit conducted by a third-party auditing firm. For the purpose of this section the following definitions apply:
1. **Fraud, Misfeasance, Nonfeasance or Malfeasance Fraud**
Misfeasance and nonfeasance or malfeasance should be considered broadly as any alleged deliberate action that is apparently in violation of Federal statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants, intentional payment to a contractor or service provider without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresenting information in official reports.
 2. **Misapplication of Funds**
Misapplication of funds should be considered as any alleged use of funds, assets, or property not authorized or provided for under the Workforce Investment Act or regulations, grants, agreements or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activities, ineligible participants, conflict of interest, failure to report income from Federal funds, violation of agreement/contract/grant procedures, and the use of Federal funds for other than specified purposes.
 3. **Gross Mismanagement**
Gross mismanagement should be considered as actions or situations arising out of management ineptitude or oversight, leading to major violations of WIA processes, regulation, or agreement/contract/grant provisions which could severely hamper the accomplishment of program goals. These include situations that lead to waste of government resources and could jeopardize future support for a particular project. This category includes, but is not limited to, non-auditable records, unsupported costs, highly inaccurate fiscal or program reports, payroll discrepancies, payroll deductions not paid to Internal Revenue Service, and the lack of good internal control procedures.
 4. **Employee/Participant Misconduct**
Employee/participant misconduct should be considered as actions occurring during or outside work hours that reflect negatively on the GOWD, the State of Georgia, or the WIA program. Misconduct may include, but is not limited to, conflict of interest or the appearance of conflict of interest involving outside employment, business, and professional activities; the receipt or giving of gifts, fees,

entertainment and favors; misuse of Federal property; misuse of official information and such other activities as might adversely affect the confidence of the public, as well as serious violations of Federal and State laws.

- C. All program activities may be suspended during the time that a special investigation or audit is being conducted. Following completion of the special investigation or audit, action taken may include, but is not limited to:
1. Reinstatement;
 2. For audits, resolutions as prescribed in the Fiscal Section of this Policy Manual;
 3. Reduction or de-obligation of all or part of the funds awarded to a service provider or operator;
 4. Placement on Probationary Status;
 5. Termination of all or part of the operator or provider agreement with possible replayment of funds; and
 6. Civil or criminal prosecution, if warranted.

PROVIDING NOTICE OF EQUAL OPPORTUNITY AND NONDISCRIMINATION

I. Prohibited Discrimination

No individual in the United States may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any Title I financially assisted program or activity, on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief and for beneficiaries only, citizenship or participation in any WIA Title I program.

WIA Sec. 188 and 29 CFR Part 37.5

II. Providing Initial and Continuing Notice

A. All recipients receiving financial assistance under Workforce Investment Act Title I (excluding the beneficiaries of WIA programs or activities) must provide initial and continuing notice that it does not discriminate on any prohibited ground.

B. Recipients for the purpose of equal opportunity and nondiscrimination regulations include, but are not limited to:

1. State level agencies that administer, or are financed in whole or in part by WIA Title I funds;
2. State Employment Security Agencies;
3. State Workforce Investment Boards;
4. WIA grant recipients such as service providers and eligible training providers;
5. One-stop operators; and
6. One-stop partners (by inclusion in one-stop centers)

C. Notice must be provided to:

1. Registrants/applicants and eligible applicants/registrants;
2. Participants;
3. Applicants for employment and employees in WIA funded programs;
4. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
5. Members of the public, including those with impaired vision, hearing or Limited English Proficiency.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

WIA Sec. 188; 29 CFR Part 37 and 20 CFR 667.600

D. "Equal Opportunity is the Law" Poster

The posters, which are printed in English and Spanish, must be posted in prominent areas of the agency to provide notice of equal opportunity and nondiscrimination.

E. Accessibility

The International symbol for accessibility should be shown directing individuals to an accessible entrance or address of the nearest accessible office and the telephone number to call if an accommodation is needed to receive services and the information incorporated in the Methods of Administration Element V.

F. Language Assistance

If the customer is unable to identify the language in which they need assistance, the Network Omni Language Line can help to identify the language the customer is speaking.

G. "Equal Opportunity is the Law" Signature Form

1. All individuals registered in WIA should read, understand and sign the complaint

- procedure signature form with a copy to the individual and a copy in their file.
2. Service providers are required to provide the complaint procedure signature form to all current employees (WIA partially or fully funded positions) and ensure that all new employees receive this form when they begin employment (again WIA partially or fully-funded positions). All employees should read, understand and sign the complaint procedure form. Furnish a copy to the employee and place a copy in their personnel file.
 3. Applicants for WIA services or applicants for employment with the recipient are covered by the appropriate display of posters.
 4. The new complaint signature forms are printed in English only. This office will have a Spanish version that can be duplicated for service providers in an area that has a substantial number of participants that would require notification in that language.
 5. Orientation presentations to new participants, new employees and/or the general public to its WIA Title I financially funded program must include a discussion of rights under the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

III. Publications

Recipients of Workforce Investment Act funds must provide notice that WIA Title I financially assisted programs or activities are an **“equal opportunity employer/program”** and that **“auxiliary aids and services are available upon request to individuals with disabilities”** in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially funded through WIA Title I.

Recipients that publish or broadcast WIA Title I program information on news media must ensure that such publications and broadcasts state that the program or activity is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIA Title I financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

Where materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TTY or relay services used by the recipients.

29 CFR Part 37.34

IV. Notification of Grievance Due Process

All WIA Title IB and National Emergency Grant participants must be provided information about their right to file a grievance within one year of the alleged occurrence and the opportunity for an informal resolution that may include a hearing within sixty days of filing the grievance. Verification of notification must be included in all adult, youth and dislocated worker program participant files.

20 CFR Part 667.600

LOCAL WORKFORCE INVESTMENT AREA

The Workforce Investment Act gives local workforce boards broad authority and responsibility for designing local workforce systems and delivering services in a manner designed to best achieve the goals of WIA based on the area's particular workforce needs.

In Georgia, there are 12 State Service Delivery Regions and 20 Local Workforce Investment Areas. In each of the 20 local areas there is a local Workforce Investment Board responsible for designing local One-Stop workforce systems that are employer-led, demand-driven, customer-friendly, and continuously improving. Each area has at least one comprehensive One-Stop Center providing a wide range of workforce services.

QUALITY CONTROL

I. EXPECTATIONS

Georgia receives WIA funding from the Employment and Training Administration (ETA) based on achieving negotiated performance. ETA's expectations are that work is done in a timely manner and correctly reported on a quarterly basis. ETA reserves the right to sanction any state that does not meet negotiated performance or reporting is consistently incorrect, as verified through the data validation process.

Many aspects of daily work for WIA programs affect performance reporting for WIA programs. As part of quality control, the GOWD will review these functions to determine whether service providers are adequately and appropriately meeting deadlines and documentation requirements.

A. Data Entry

Timely data entry affects performance reporting and GOWD staff workload if information needs to be backdated. The GOWD requires notification if data entry cannot be accomplished within **seven (7) working days**. Timely data entry will be determined based on files reviewed at random times and during desk reviews prior to monitoring visits.

B. Correct Data Entry

Correct data entry affects performance reporting and GOWD staff resources assigned to make corrections to data in Georgia Workforce System (GWS). Data entry problems include missing fields from the WIA Application. The WIA Application is the only source of documentation for many fields required for quarterly reporting to ETA. ETA compiles statistics on demographic data for different WIA populations to determine how they are effectively being served through the program. Incorrect data skews these statistics and does not show an accurate representation of service to WIA participants. Data in GWS should be checked before hitting the Save button to ensure that correct data has been entered in GWS. Incorrect data problems will be identified during monitoring visits.

C. Appropriate Documentation

Many elements of WIA enrollment require appropriate documentation be placed in participant files. Documentation sources can be identified on the WIA Application or the program verification worksheets. Missing documentation will be identified during monitoring visits.

D. Credential Records

The Youth program "Attainment of a Degree or Certificate" performance measure requires the recording of a credential attained during the participant's enrollment or within three quarters after exit. Credentials must be documented using a transcript, certificate, diploma, or a letter from an appropriate school system. If there is not a specific date on the credential (i.e., May 2012), the actual date must be case noted. If not recorded, credentials will not be counted for performance reporting. Deficiencies in credential entry will be identified through quarterly reporting and monitoring.

There is no performance measure relating to attainment of a credential for Adult or Dislocated Worker performance. However, attainment of a credential is a data element required for quarterly reporting for these programs. Credentials earned by Adult and Dislocated Worker participants must be collected. Deficiencies in credential entry will be identified through monitoring.

E. Follow-Up Contact

Follow-up information is used for performance reporting in cases where unemployment insurance or federal wage records are not found. Follow-up contact is required for all Youth participants, and for Adult and Dislocated Worker participants who exit to employment. Follow-up contact information can be used for three common measures performance measures:

- Entered Employment: Follow-up contact is used for participants employed during the first quarter after exit (Adult, Dislocated Worker, and National Emergency

Grant performance).

- **Employment Retention:** Follow-up contact is used for participants employed during the first, second, and third quarters after exit (Adult, Dislocated Worker, and National Emergency Grant performance).
- **Placement in Employment or Education:** Follow-up contact is used for Youth participants who are in employment or post-secondary education/advanced training/occupational skills training during the first quarter after exit.

Follow-up contact is required to be recorded. The information should state the employer name, address, phone number, and job title if the participant is employed. If the participant is in some type of training after being exited, a brief description should be noted.

Follow-up contact is the only source for verifying that a Youth participant is in some type of training after they are exited from the WIA Youth program. Therefore, it is very important that this information be recorded.

Deficiencies in completing follow-up contact will be identified through monitoring.

II. Deficiency Consequences

ETA has the option of sanctioning states for not meeting acceptable performance. Acceptable performance depends on information entered correctly in GWS and appropriate documentation placed in participant files. Deficiencies in any of the above areas will result in a service provider being placed on corrective action. If deficiencies are identified after a provider has been placed on corrective action, a portion of WIA funding may be revoked.

Problems with any of the above functions may be identified through monitoring or through day-to-day functions. The GOWD will determine whether there are errors for any of the areas identified above, and whether they are substantial enough to warrant corrective action or possible sanction.

The following table shows the progression for determining deficiencies:

Baseline: PY 2012 monitoring/incidental Findings	<p>GOWD staff will identify any monitoring findings and discuss these with local areas during exit interview. Deficiencies will be noted on monitoring reports after onsite review.</p> <p>Incidental findings will be discussed with local areas as problems are identified.</p>
Corrective Action: Second year monitoring/incidental Findings	<p>GOWD staff will identify monitoring findings that have not been resolved from the previous year's monitoring or continue to be an issue. Local areas may be placed on corrective action notice if there are unresolved problems or issues that continue to occur.</p> <p>Incidental findings that continue to occur may result in Local areas being placed on corrective action.</p>
Sanctioning: Year three monitoring/incidental Findings	<p>Monitoring or incidental findings that have not been resolved from the previous year or continue to occur may result in sanctioning of a service provider.</p>

The GOWD will provide technical assistance to any provider deemed deficient in any of the problem areas identified above. The GOWD may also request technical assistance from USDOL for help in resolving identified problems. Service providers are always encouraged to ask questions or ask for help from the GOWD or any other service provider.

III. Quality Control Improvement

There are several options to improve quality of the requirements for each of the functions listed above. These options include but are not limited to the following:

- A. A peer to peer review to improve quality control for all areas identified above. This provides the ability to correct data and can serve as a learning tool for providers.
- B. Mini-Technical Assistance and Training (TAT) sessions are available to any service provider who wants or needs technical assistance.
- C. Statewide technical assistance (TAT) sessions are held yearly to share information and best practices.
- D. New Case Manager training is provided periodically by GOWD staff to acquaint case managers with program management and data requirements related to the above functions.
- F. Requests to program managers or management information staff for help.

CONFLICTS OF INTEREST

Effective January 1, 2013, the CLEO's, the Local Workforce Area Director, Chairperson and members of each Local Workforce Investment Board shall be required to sign and file an affidavit with the Governor's Office of Workforce Development stating that HE/SHE "took no official action which had a material effect on such board member's/CLEO's/Local Area Director's private financial or business interests in the previous certification period." This affidavit must be filed on or before January 31 of each year of recertification and covers the preceding certification period for existing CLEOs, Area Directors, and Board Members. New CLEOs, Area Directors, and Board Members must file the affidavit by January 31 of their first year in office.

GRANT ADMINISTRATION

Grant Administration to sub-recipients is responsible for identifying to the sub-recipient the Federal and/or State award information, monitoring the sub-recipients activities, ensuring required audits are performed and requiring corrective action on audit findings, and evaluating the impact of sub-recipients activities on GOWD's ability to comply with applicable Federal and/or State regulations.

FIVE YEAR PLAN SUBMISSION

The State Workforce Investment Board, appointed by the Governor, facilitates the development and submission of a five year plan which addresses two or more of the programs or activities specified at WIA Section 501(b)(2). An approved Workforce Investment Plan is required in order for states to receive formula allotments under WIA Title I.

STATE APPLICATION FOR FEDERAL ASSISTANCE

Applicants are required to use a standard form (SF-424) as a factsheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, and have been given an opportunity to review the applicant's submission.

ASSURANCES AND CERTIFICATIONS

I. As recipients of WIA Title IB adult, youth, and dislocated worker funds, local workforce areas must obtain and have posted the following certifications and assurances.

1. Certification Regarding Lobbying (29 CFR Part 93)
2. Drug-Free Workplace Requirements Certification (29 CFR Part 98)
3. Nondiscrimination And Equal Opportunity Assurance (29 CFR Part 37)
4. Certification Regarding Debarment, Suspension, And Other Responsibility Matters Primary Covered Transactions (29 CFR Part 98)
5. Standard Assurances For Non-Construction Programs

All recipients of WIA Title IB funds including local workforce areas, eligible training providers, on-the-job training and work experience worksites and participants are made aware of the certifications and assurances.

All grants, Memorandum of Understanding or Agreement, provider agreements or any other formal contract paid in full or in part with WIA Title IB funds must contain the following assurances or, at a minimum must be referenced.

A. Certification Regarding Lobbying

As the duly authorized representative, the Grantee certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The Grantee shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Certification Regarding Drug-Free Workplace Requirements

As the duly authorized representative, the grantee certifies that it will provide a drug-free workplace by:

1. Publishing a statement, signed by the authorized authority, notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will

- be taken against employees for violations of such prohibition;
 - 2. Establishing an ongoing drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. Penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - 3. Making it a requirement that each employee engaged in or that plans to engage in the performance of WIA federally funded grants be given a copy of the statement required by paragraph (1);
 - 4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 - 5. Notifying the GOWD in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - 7. Ensure that all recipients of WIA Title IB funds including participants, service and training providers provide notification that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited at service and training provider sites and specify the actions that will be taken against employees for violations of such prohibition;
 - 8. Making a good faith effort that the Grantee and provider worksites maintain a drug-free workplace through implementation of paragraphs (1)-(7).
- C. Nondiscrimination And Equal Opportunity Assurance
- 1. As the duly authorized representative the Grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - a. WIA Equal Opportunity and Nondiscrimination Regulations 29 CFR Part 37 and Section 188 of the Workforce Investment Act of 1988 which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title IB financially assisted

- program or activity;
 - b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
 - d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 - e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
2. This assurance applies to the Grantee's operation of the WIA Title IB financially assisted program or activity, and to all agreements the Grantee makes to carry out the WIA Title IB financially assisted program or activity. The Grantee understands that the Grantor has the right to seek judicial enforcement of this assurance.
- D. Certification Regarding Debarment, Suspension, And Other Responsibility Matters
- As the duly authorized representative the Grantee certifies to the best of its knowledge and belief, that it and its principals:
- 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any Federal department or agency;
 - 2. Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - 3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in certification; and
 - 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- E. Assurances – Non-Construction Programs
- As the duly authorized representative the Grantee certifies that this agency:
- 1. Has the legal authority and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of WIA Title IB programs.
 - 2. Will give the Comptroller General of the United States and the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to WIA Title IB programs; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
 - 3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
 - 4. Will initiate and complete work relating to financial and management information system reporting requirements within acceptable times frames.
 - 5. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) all other laws incorporated into or referenced in the Workforce Investment Act of 1998, including, Title VI of the Civil Rights Act as amended; (b) Title IX of the Education Amendments of 1972, as amended; (c) Section 504 of the Rehabilitation Act as amended; (d) the Age Discrimination Act of 1975, as amended; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 91-616) as amended; (f) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 DD.3 AND 290 EE.3) as amended, relating to confidentiality of alcohol and drug

abuse patient records; (g) Title VIII of the Civil Rights Act of 1968 as amended; (h) Military Selective Service Act; (i) Nontraditional Employment for Women Act; and (j) Department of Labor Federal Regulations at 29 CFR Parts 34 and 1604.

6. Will comply with Federal regulation 20 CFR 652, et al., regarding the retention of records;
7. Will certify if requested, in accordance with 29 CFR Part 98, Section 98.510, that neither it nor its one-stop operators, service providers or training providers are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
8. Will comply as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a. to 276a. 7), the Copeland Act (40 U.S.C. 276c. and 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction sub-agreements.
9. Will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328), which limit political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
10. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
11. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing WIA Title IB programs.

II. Certifications and Assurance given by signature of the State Plan

- A. The methods used for joint planning and coordination of the programs and activities included in the Unified Plan included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment of all portions of the Unified Plan.
- B. The grantee has filed the Government-wide standard assurances for non-construction programs.
- C. The State assures that it will establish, in accordance with section 184 of the Workforce Investment Act, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through the allotments made under sections 127 and 132.
- D. The State assures that it will comply with section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that –
 1. the State has implemented the uniform administrative requirements referred to in section 184(a)(3);
 2. the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under section 184(a)(4); and
 3. the State has taken appropriate action to secure compliance pursuant to section 184(a) (5).
- E. The State assures that the adult and youth funds received under the Workforce Investment Act will be distributed equitably throughout the State, and that no local area will suffer significant shifts in funding from year to year during the period covered in this Plan.
- F. The State assures that veterans and eligible spouses will be afforded employment and training activities authorized in section 134 of the Workforce Investment Act, and the activities authorized in chapters 41 and 42 of title 38 U.S. Code. The State assures that it will comply with the veterans priority established in the Jobs for Veterans Act.
- G. The State assures that the Governor shall, once every two years certify one Local Board for each local area in the State.
- H. The State assures that it will comply with the confidentiality requirements of section

136(f) (3).

- I. The State assures that no funds received under the Workforce Investment Act will be used to assist, promote or deter union organizing.
- J. The State assures that it will comply with the nondiscrimination provisions of section 188, including an assurance that a Methods of Administration has been developed and implemented.
- K. The State assures that it will collect and maintain data necessary to show compliance with the nondiscrimination provisions of section 188.
- L. The State assures that it will comply with the grant procedures prescribed by the Secretary (pursuant to the authority at section 189(c) of the Act) which are necessary to enter into grant agreements for the allocation and payment of funds under the Act. The procedures and agreements will be provided to the State by the ETA Office of Grants and Contract Management and will specify the required terms and conditions and assurances and certifications, including, but not limited to, the following:
 - 1. General Administrative Requirements:
 - a. 29 CFR part 97 – Uniform Administrative Requirements for State and Local Governments (as amended in the Act)
 - b. 29 CFR part 96 (as amended by OMB Circular A-133) – Single Audit Act
 - c. OMB Circular A-87 – Cost Principles (as amended by the Act)
 - 2. Assurances and Certifications:
 - a. SF 424 B – Assurances for Non-construction Programs
 - b. 29 CFR part 37 – Nondiscrimination and Equal Opportunity Assurance (and regulation) 29 CFR 37.20
 - c. CFR part 93 – Certification Regarding Lobbying (and regulation)
 - d. 29 CFR part 98 – Drug Free Workplace and Debarment and Suspension Certifications (and regulations)
 - 3. Special Clauses/Provisions:
Other special assurances or provisions as may be required under Federal law or policy, including specific appropriations legislation, the Workforce Investment Act, or subsequent Executive or Congressional mandates.
- M. The State certifies that the Wagner-Peyser Act Plan, which is part of this document, has been certified by the State Employment Security Administrator.
- N. The State certifies that veterans' services provided with Wagner-Peyser Act funds will be in compliance with 38 U.S.C. chapters 41 and 20 CFR 1001.
- O. The State certifies that it will comply with the MSFW significant office requirements in accordance with 20 CFR 653.
- P. The State certifies it has developed this Plan in consultation with local elected officials, Local Workforce Boards, the business community, labor organizations and other partners.
- Q. As a condition to the award of financial assistance from the U.S. Department of Labor under title 1 of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
 - 1. Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA title 1-financially assisted program or activity.
 - 2. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discriminations on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

3. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
 4. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
 5. The grant applicant also assures that it will comply with 29 CFR 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- R. The State assures that funds will be spent in accordance with the Workforce Investment Act and their regulations, written GOWD guidance implementing these laws, and all other applicable Federal and State laws.
- S. Vocational Rehabilitation
- As the duly authorized representative the Grantee certifies that this agency:
1. As a condition for the receipt Federal funds under title 1, part B of the Rehabilitation Act for the provision of vocational rehabilitation services, the designated State agency agrees to work with the State Department of Human Services in accordance with provisions of this title I State Plan, the Act and all applicable regulations, policies and procedures established by the Secretary. Funds made available under section 111 of the Act are used solely for the provision of vocational rehabilitation services under title I and the administration of the title I State Plan, through the applicable State agency.
 2. As a condition of the receipt of Federal Funds under title VI, part B of the Act for supported employment services, the designated State Agency agrees to work with the Georgia Department of Labor to assist the State Supported Employment Services Program in accordance with the provisions of the supplement to this State Plan, the Act and all Applicable regulations, policies, and procedures established by the Secretary. Funds made available under title VI, part B are used solely for the provision of supported employment services and the administration of the supplement to the title I State Plan.
 3. The designated State agency or designated State unit is authorized to submit this State Plan under title I of the Act and its supplement under title VI, part B of the Act.
 4. The State submits only those policies, procedures, or descriptions required under this State Plan and its supplement that have not been previously submitted to and approved by the Commissioner of the Rehabilitation Services Administration.
 5. The State submits to the Commissioner at such time and in such manner as the Secretary determines to be appropriate, reports containing annual updates of the information relating to the: comprehensive system of personnel development; assessments, estimates, goals and priorities, and reports of progress; innovation, and expansion activities; and requirements under title I, part B or title VI, part B of the Act.
 6. The State Plan and its supplement are in effect subject to the submission of such modifications as the State determines to be necessary or as the Commissioner may require based on a change in State policy, a change in Federal Law, including regulations, an interpretations of the Act by a Federal court or the highest court of the State, or a finding by the Commissioner of State noncompliance with the requirements of the Act until the State submits and receives approval of a new State Plan or Plan supplement.

FINANCIAL

The financial section relates to the functions dealing with the monthly, quarterly, and yearly accounting and reporting requirements. In order to facilitate the orderly, timely, and accurate accounting, reporting, and auditing of federal and state grant transactions, the Office of Planning and Budget in conjunction with the State Accounting Office Grant Manager, and GOWD will strive to ensure the following:

1. An effective tracking system is initiated by routing all approved grants (with an original document) to the Office of Planning and Budget, Administration Division.
2. Appropriate budgetary and accounting controls are in place to separately identify grant transactions.
3. Appropriate administrative controls are in place to ensure that costs claimed are in compliance with appropriate grant requirements.

PROGRAM PERFORMANCE REPORTING

Program Performance reporting and record keeping is contracted with the Georgia Department of Labor as a partner for submitting WIA quarterly ETA-9090, WIA annual ETA-9091 and WIASRD reports to USDOL.

DATA ELEMENT VALIDATION

Data Element Validation is the process used by the Employment and Training Administration (ETA) that requires states to validate the accuracy of their annual submissions to ensure that ETA decisions about WIA policy and funding are made based on a true picture of program outcomes.

The GOWD is required to conduct annual “Data Element Validation” for WIA Title 1B Adult, Dislocated Worker, National Emergency Grant, and Youth programs. Data validation does not apply to the State Displaced Homemaker program.

I. Data Element Validation

- A. Data element validation is not the same as MIS monitoring, although much of the same data is reviewed. MIS monitoring is conducted for a specific program year, and the review includes both active participants and participants exited during that program year. MIS monitoring helps ensure that correct information is being captured for performance reporting and future data element validation.
- B. Results of the annual data validation review will compare state performance to performance goals. If Georgia’s validation does not pass this process within acceptable error limits, future funding for WIA programs could be cut. Results of data element validation will be shared with service providers.
One positive result of the data validation process will be the detection and identification of specific problems with GWS reporting, which enables the GOWD to correct data collection and data entry problems. Once the problems are corrected, the process ensures that critical performance data used to distribute performance incentive funds and sanction poor performance are reasonably accurate by calculating an error rate for selected data elements. Clean data also allows the US Department of Labor and the GOWD to better analyze the causes of performance successes and failures.
- C. Data element validation is conducted at each local workforce area. The GOWD produces a data extract from GWS based solely on exited participant data from a three-year period. There are many fields checked in data element validation. Each data element is listed on a data validation worksheet and marked as “pass” or “fail,” depending on supporting documentation for the data element.

Many fields checked in data element validation come directly from the WIA Application. It is critical to have the WIA Application totally completed and signed by the participant. Please see the following website for specific requirements of acceptable documentation for Data Element Validation:

http://www.doleta.gov/Performance/Reporting/docs/WIA_7_2/DRVS_WIA_72_UserGuide.pdf

II. The Data Element Validation Schedule

- A. Review period in service provider offices: October-January
- B. Date Element Validation: Due to USDOL February 1 each year

WAIVERS

The purpose of the general statutory and regulatory waivers is to provide flexibility to states and local areas and enhance their ability to improve the statewide workforce investment system. A full list of current waivers through the GADOL is featured at <http://waivers.doleta.gov/waiversearchadvanced.cfm>.

- I. Workforce Investment Areas may request waivers to address impediments to the implementation of the strategic plan, including the continuous improvement strategy, consistent with key principles of WIA. These key principles include:
 - A. Streamlining services and information to participants through a one-stop delivery system;
 - B. Empowering individuals to obtain needed services and information to enhance their employment opportunities;
 - C. Ensuring universal access to core employment-related services;
 - D. Increasing accountability of state, localities, and training providers for performance outcomes;
 - E. Establishing a stronger role for the private sector;
 - F. Providing increased state flexibility to implement innovative and comprehensive workforce investment systems; and
 - G. Improving youth programs through services that emphasize academic and occupational learning.
- II. Exceptions to Waivers

The Secretary may waive any of the statutory or regulatory requirements of WIA Title IB with the exception of the following:

 - A. Wage and labor standards;
 - B. Non-displacement protections;
 - C. Worker rights;
 - D. Participation and protection of workers and participants;
 - E. Grievance procedures and judicial review;
 - F. Nondiscrimination;
 - G. Allocation of funds;
 - H. Eligibility of providers and participants;
 - I. Establishment and function of local areas;
 - J. Procedures for review and approval of State plans; and
 - K. Priority of service.

20 FR Part 661.410

III. Waiver Request

A participant, service provider, eligible training providers or the State Workforce Investment Board may request a waiver; however it is only the Governor that may request the waiver from the Secretary. The waiver request may be for the entire State or for local workforce investment areas.

Waiver requests must include:

- A. Statutory or regulatory requirements of the waiver;
- B. Actions taken by the State to remove State statutory or regulatory barriers;
- C. Goals of the waiver and expected programmatic outcomes if waiver is approved;
- D. Description of how the State will monitor the progress in implementing the waiver;
- E. Provide notice of the waiver to the workforce areas affected by the waiver;
- F. Provide areas affected by the waiver the opportunity to comment on the waiver request; and
- G. Insure meaningful public comment by business and organized labor.

The State should receive a decision on a waiver request from the Secretary within 90 days after the receipt of the original request.

IV. Process for Submitting a Waiver Request

- A. All requests for waivers of statutory or regulatory requirements must first be submitted to the GOWD;
- B. Requests must be in writing and contain sufficient information which includes: where, why, how, when. Any lack of information may result in a delay or denial of the waiver; and
- C. The GOWD will work with the Governor to submit the waiver request.

V. Process for Submitting a Statewide Waiver Request

The GOWD may approve or disapprove certain requests for waivers that are not submitted to USDOL. Statewide waiver requests must be submitted to the GOWD who will review the request to determine if the request affects performance standards or as specifically stated in law or regulation. Examples of statewide waiver requests may be:

- A. Findings of monitoring; and
- B. Eligible training issues such as out-of-state providers or time frames for getting providers on the State list for the participant's training.

GRANT ADMINISTRATION

The Grant Administration section overviews grant administration from the Governor's Office of Workforce Development to the Local Workforce Areas as the sub recipient grantee. It includes policy on WIA Administrative Standards, Service Provider Selection Process & Provider Agreements and Performance Incentives Awards.

WIA ADMINISTRATIVE STANDARDS

All recipients and sub recipients including contractors and service providers receiving Workforce Investment Act funds must operate under WIA law and regulations that prohibit certain activities. Activities in any of these prohibited areas will be cause for disciplinary measures and the possible de-obligation of funds.

I. Conflict of Interest

- A. Each recipient and sub recipient shall avoid organizational conflict of interest, and their personnel shall avoid personal conflict of interest and appearance of conflict of interest in awarding financial assistance, and in the conduct of procurement activities involving funds under the Act;
- B. Neither the recipient nor sub recipient shall pay funds under the Act to any nongovernmental individual, institution or organization to conduct an evaluation of any program under the Act if such individual, institution or organization is associated with that program as a consultant or technical advisor;
- C. Each recipient and sub recipient shall maintain a written code of standards of conduct governing the performance of persons engaged in the award and administration of WIA contracts and provider agreements;
- D. Each recipient and sub recipient shall ensure that no individual in a decision making capacity including Workforce Investment Board members (whether compensated or not) shall engage in any activity, including participation in the selection, award, or administration of a provider agreement or contract supported by WIA funds if a conflict of interest, real or apparent, would be involved. Such conflict would arise when the individual; any member of the individual's immediate family; the individual's partner; or an organization that employs, or is about to employ, any of the above has a financial or other interest in the firm or organization selected for award;
- E. The officers, employees, or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to provider agreements; and
- F. To the extent permitted by State or local law or regulation, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the awarding agency's officers, employees, or agents, or by contractors or their agents.

II. Lobby Activities

- A. No funds provided under the Act may be used in any way to attempt to influence in any manner:
 - 1. A member of Congress, an officer or employee of Congress, or an employee of a member of Congress to favor or oppose any legislation or appropriation by Congress; or
 - 2. State or local legislators to favor or oppose any legislation or appropriation by such legislators. Communications and consultation with state and local legislators for purposes of providing information such as on matters necessary to provide compliance with the Act shall not be considered lobbying, however, all such actions must be in compliance with O.C.G.A. 21-5-70.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any member of Congress that may be connected to Federal contracts, grants, loan or cooperative agreement relating the Act, a standard form – LLL, “Disclosure Form to Report Lobbying” shall be completed and submitted in accordance with its instructions.

Certification regarding lobbying language must be included in all award documents for all sub-awards at all tiers (including subcontracts, provider agreements, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

Submission of certification regarding lobbying is a pre-requisite for making or entering into this transaction imposed by Section 1352, Title 31, and U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000

for each such failure.

29 CFR 93

III. Political Activities or Patronage

A. Political Activities

1. No recipient, subrecipient or participant may engage in partisan or nonpartisan political activities during hours for which the individual is paid with WIA funds;
2. No recipient, subrecipient or participant may, at any time, engage in partisan or nonpartisan political activities in which such individual represents himself/ herself as a spokesperson of the WIA program;
3. No participant may be employed or out-stationed in the office of a member, a State or local legislator or on any staff of a legislative committee;
4. No participant may be employed or out-stationed in the immediate office of any chief-elected official (or officials, if the office of chief executive is shared by more than one person) of a State or unit of general local government, except that:
 - a. Units of local government in rural areas may employ participants in such positions provided that documentation is presented to and approved by the State Administrative Entity prior to employment, which makes clear that such positions are nonpolitical; and
 - b. Where positions are technically in such office, but are actually program activities not in any way involved in political functions, documentation attesting to the nonpolitical nature of the positions is to be provided to the State Administrative Entity for approval prior to enrollment of participants in such positions.
5. No participant may be employed or out-stationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such nonpolitical positions is permissible.
6. Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:
 - a. To persons (including participants) employed by state and local government in the administration of the WIA program; and
 - b. Generally to any participant whose principle employment is in connection with an activity financed by other federal grants or loans.
7. Persons must also comply with provisions of O.C.G.A. § 21-5-30.2

IV. Kickback/Fees

No officer, employee or agent of any recipient or sub-recipient shall solicit or accept gratuities, favors or anything of monetary value from any actual or potential sub-recipient or contractor.

41 U.S.C. 53 and O.C.G.A. § 45-10-1

V. Charging of Fees

Nothing in this section shall be interpreted as prohibiting the recipient or sub-recipient from entering into an agreement for the purpose of obtaining outreach, recruitment and/or intake services, and placement of participants into unsubsidized jobs as part of its approved plan, provided the individuals served are not charged a fee.

WIA Sec. 195(5)

VI. Nepotism

Nepotism is an unfair practice that occurs when hiring or delivery of program services is based on personal connections, rather than ability or merit. An example of nepotism is when people in power give positions in a government or organization to their relatives or friends, rather than to any individual who is well qualified.

All recipients and sub-recipients (e.g., service providers, contractors) shall comply with applicable federal, state, and local nepotism laws.

O.C.G.A. § 45-10-1 and 3

No individual may receive WIA services directly from any staff that has a personal relationship or is a member of that person's immediate family. For Georgia's WIA programs personal relationship means domestic partners and immediate family means: wife, husband, children, daughter-in-law, son-in-law, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, step-grandparents, spouse's grandparents, spouse's step-grandparents, step-children, step-parents, brothers, sisters, and step-brothers and step-sisters of the customer. When relationships such as those listed above or others that may be perceived as a relationship exist service providers must use prudent judgment and refer the individual to other staff or another service provider as appropriate.

No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

WIA Reg. 667.200(g)

VII. Child Labor Laws

All recipients and sub-recipients shall comply with applicable federal, state, and local child labor laws.

WIA Sec. 181 (b) (c); O.C.G.A. Sec. 39; 29 CFR Part 571

VIII. Sectarian Activities

- A. WIA funds may be used to train participants in religious activities when the assistance is provided indirectly through an Individual Training Account.
- B. WIA funds may not be used for employment in the construction, operation, or maintenance of any part of any facility that is used or will be used for sectarian instruction or as a place for religious worship.
- C. WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

WIA Sec. 188 (a) (3); 20 CFR Part 667.266; and 20 CFR Part 37.6(F) (1) (Reference TEGL 1-05 dated July 6, 2005)

IX. Financial Activities

Criminal Activities, including theft or embezzlement of employment and training funds; bribery; improper inducement; and obstruction of investigations in federally funded employment and training programs are prohibited under criminal provisions at 18 U.S.C. 665 and 666 and O.C.G.A. § 16-10, Article 1. The process for reporting criminal activities is described in WIA Regulations 20 CFR Part 667.630.

X. Funding and Program Restrictions

- A. Funds provided under this Act shall only be used for activities, which are in addition to those, which would otherwise be available in the area in the absence of such funds.
- B. Programs will not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed, including services normally provided by temporary, part-time or seasonal workers or through contracting such services out.

WIA Sec. 181 (b) (2) (B), 195(2)

- C. WIA Title I funds shall not be used for foreign travel.

20 CFR Parts 667.264

XI. Labor Standards

- A. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze, unless the recipient can demonstrate that the freeze resulted from a lack of funds to sustain staff and was not established in anticipation of the availability of funds under the Act.
- B. Programs will not impair existing:
 - 1. Contracts for services; or
 - 2. Collective bargaining agreements unless the employer and labor organization concur in writing with respect to the elements of proposed activities within 30 days of receipt.
- C. When termination of participants is due to a hiring freeze the service provider shall make an attempt to place such participants into other non-affected positions or attempt placement into unsubsidized jobs or into another program or activity.
- D. Whenever a promotional freeze affects non-WIA funded employees it shall apply to WIA participants similarly employed.
- E. No former employees laid off or terminated in anticipation of WIA funding of a position may be rehired under WIA into such a position.
- F. Participants employed in subsidized jobs shall receive the same benefits and working conditions to the same extent as other employees working similar length of time and doing similar work. No participant shall be hired into a position resulting in the displacement of a currently employed worker (including partial displacement such as a reduction in hours of non-overtime work, wages or employment benefits).
- G. No participant shall receive a promotion that would infringe on any way upon the promotional opportunities of currently employed workers.

WIA Sec. 181 (b)

XII. Unionization/Anti-unionization Activities and Work Stoppages

- A. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement, which contains a union security provision.
- B. No participant in work experience or vocational exploration may be placed into, or remain working in, any position which is affected by labor disputes involving a work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:
 - 1. Be relocated to positions not affected by the dispute;
 - 2. Be suspended through administrative leave; or
 - 3. Where participants belong to the labor union involved in work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The service provider shall make every effort to relocate participants who wish to remain working into suitable positions unaffected by the work stoppage.
- C. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the periods of work stoppage.

WIA Sec. 181 (b) (7)

XIII. Business Relocation

- A. Funds provided under the Act shall not be used to encourage or induce relocation of an establishment or any part that results in loss of employment for any employee at the original site.
- B. Funds provided under the Act shall not be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees for any business or any part of any business, that has relocated, until 120 days after the date on which the establishment commences operations at the new location, if the relocation results in a loss of

employment for any employee at the original site and the original site is within the United States.

WIA Sec. 181(d) (1)-(2)

XIV. Employment Generating/Economic Development

Funds provided under the Act shall not be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, and similar activities that are not directly related to training for eligible individuals under this title.

WIA Sec. 181(e)

XV. Nondiscrimination and Equal Opportunity

- A. All eligible service and training providers receiving WIA Title IB funds must comply fully with the nondiscrimination and equal opportunity provisions of WIA Section 188 and Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37.
- B. All programs shall establish procedures to ensure against discrimination, sexual harassment in any form, and foster equal opportunity and shall issue a statement of assurance to be signed by the chief operating official.
- C. Local Workforce Areas are **not** required to designate Equal Opportunity Officers. They should however designate an individual who will serve as liaison with the State Equal Opportunity Officer.
- D. Provider agreements will contain assurance language that it will comply with Equal Opportunity requirements of Section 167 of the Act, 29 CFR Part 37, and 1604, the Civil Rights Act of 1964 and all other applicable equal opportunity laws and regulations. The assurance may be incorporated by reference.
- E. Discriminatory discharge prohibited. No person, organization or agency may discharge, or in any other manner discriminate or retaliate against any person, or deny to any person a benefit to which that person is entitled under the provisions of the Act because such person has filed any complaint, instituted or caused to be instituted any proceeding under or related to the Act, has testified or is about to testify in any such proceeding or investigation, or has provided information or assisted in an investigation.
- F. Sexual Harassment/Sex-Based Harassment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964. Assurances regarding nondiscrimination and equal opportunity apply to sexual harassment as well.

WIA Sec. 181; 29 CFR Part 37

29 CFR 1604(11); 29 CFR Part 34

XVI. Equal Treatment in GOWD Programs for Religious Organizations

Protection of Religious Liberty of GOWD Social Service Providers and Beneficiaries.

- A. All eligible service and training providers receiving WIA Title 1B funds must comply fully with the provisions of 29 CFR part 2, subpart D (29 CFR 2.30), and ensure that GOWD-supported social service programs are open to all qualified organizations, regardless of the organizations' religious character, and to clearly establish the permissible uses to which GOWD support for social service programs may be put, and the conditions for receipt of such support.
- B. In addition, providers must ensure that the GOWD's social service programs are implemented in a manner consistent with the requirements of the Constitution, including the Religion Clauses of the First Amendment.

29 CFR Part 2.30

XVII. Testing and Sanctioning for Use of Controlled Substances

Notwithstanding any other provision of law, the Federal Government shall not prohibit a State from:

- A. Testing participants in programs under Title IB for the use of controlled substances; and
- B. Sanctioning such participants who test positive for the use of such controlled substances.

SERVICE PROVIDER SELECTION PROCESS PROVIDER AGREEMENTS

This section is designed to provide information on the service provider selection process and the provider agreements entered into with the selected providers.

I. Service Provider Selection

Service providers are chosen through the competitive request for proposal process. The Request for Proposal (RFP) process assures that operators and programs are responsive to workforce development needs in each area.

The RFP process is managed by the Local Workforce Investment Board (LWIB) and will be conducted every five years at a minimum. Agreements/contracts with the selected providers will be renewed annually during that five year period based on available funding and successful program performance.

Generally, the RFP process will award a single contract for each District and the selection process will allow for single or multiple service providers in each area. However, if labor markets and/or service areas have traditionally crossed Local Workforce Area boundaries, then exceptions can be made to allow for contracts that coincide with those traditional service areas.

II. Provider Agreements

The RFP process will allow for provider agreements with single providers or multiple co-contracting providers. In the case of multiple co-contracting providers, the division of awarded funds is determined by the co-contracting providers through a negotiation process. The negotiation process should take into account the scope of service and proposed program operating plan, including the planned activities, planned enrollments and estimated costs of core, intensive and training services to be delivered.

Co-contracting service providers may choose to negotiate a different split of funds with each contract renewal to reflect changes in service delivery, or maintain the same split as the previous contract.

PERFORMANCE INCENTIVE AWARD POLICY

When funding permits, Georgia will provide incentive grants to local areas. These grants may be provided for regional cooperation among local boards for local coordination of activities carried out under the Workforce Investment Act to include: exemplary performance for all three program performance measures, no repeat findings, and no disallowed costs since the prior evaluation.

Notification will be provided to the administrative entity on file pertaining to Incentive Awards. The funds, when awarded, are to be used by the local area for carrying out an innovative program consistent with the requirements of any one or more of the three programs.

FINANCIAL MANAGEMENT SYSTEM

The Financial Management System section covers policy on cost allocation plan & costs pools, grant allocations, drawdowns, the Governor's reserve fund, cost principles, cash management, program income, expenditure reporting, recapture and reallocation policy, grant closeout, audits and record retention and grant eligibility disbarment.

COST ALLOCATION PLAN & COSTS POOLS

At times, it will become necessary for Local Workforce Investment Areas to utilize cost allocations and cost pooling to best distribute costs among all funding resources that receive benefits from the good or service being utilized. Allocability is the measure of the extent to which a cost benefits a grant program and its cost objectives.

Costs that are not readily chargeable to a final cost objective should be aggregated into cost objectives commonly called cost pools. These should be periodically allocated to final cost objectives using a federally recommended allocation methodology. These include: administrative cost pools, indirect cost pools, intake cost pools, supplies expense pool, and other cost pools. A Cost Allocation Plan should be filed with the Governor's Office of Workforce Development at the time that the Local Workforce Investment Area's Strategic Plan is filed. All LWIAs must utilize federally acceptable allocation bases when establishing cost pools or allocation plans.

Cost Allocation Plan Requirements

All Cost Allocation Plans filed by the LWIAs with the GOWD must include the following items:

1. An organization chart identifying all departments, services and funding sources for all staff functions.
2. A Statement of Function and Benefits that captures the types of services provided and their relevance to ETA-funded projects. This should also include all non-ETA funded projects and revenues.
3. Cost of official financial statement/budget.
4. Expense items that have been budgeted for ETA-funded projects. This includes all pooled or shared costs that will be allocated among several funding sources.
5. Description of methods used to distribute pooled or shared expenses. This description should also capture the allocation basis and all supporting documentation.
6. Certification by an authorized official that the plan has been prepared and submitted in accordance with all federal and state regulations, including authorizing legislation for non-ETA funding.

GRANT ALLOCATION

The State receives annual allocations for Adult, Youth and Dislocated Workers. 5% of the Adult and 5% of the Youth funds are retained by the State for statewide activities. 95% is allocated to the local areas. 30% of the Dislocated Workers funds are retained by the State (25% Rapid Response). 70% is allocated to local areas. The distribution of funds is outlined in the Training and Employment Guidance Letter (TEGL) 09-11 issued by USDOL/ETA.

http://wdr.doleta.gov/directives/attach/TEGL/TEGL9_11acc.pdf

The standard allocation formula gives equal weight to the following three formula factors:

33.3% Relative number of unemployed individuals in areas of substantial unemployment in each local area, compared to the total number of unemployed individuals in areas of substantial unemployment in the State;

33.3% Relative excess number of unemployed individuals in each local area, compared to the total excess number of unemployed individuals in the State;

33.3% Relative number of disadvantaged adults in each local area, compared to the total number of disadvantaged participants in the State.

Some local areas submit waivers to qualify under Hold Harmless. These local areas must not receive an allocation amount for a fiscal year that is less than 90% of the average allocation of the local area for the two preceding fiscal years. Amounts necessary to increase allocations to local areas must be obtained by ratably reducing the allocations to be made to other local areas.

Georgia's Dislocated Worker Formula funds are allocated according to the six federally mandated factors, plus three additional ones. The factors and their weights are as follows:

(Mandated by law)

- 40% number who received unemployment insurance without earnings – most recent six months
- 5% number unemployed over 6.5% of the civilian labor force – most recent six months
- 10% number who received unemployment insurance from firms that were part of the Mass Layoff Statistics data-latest two quarters
- 10% number employed in industries that have experienced a decline in employment of 5% or more -last year
- 2.5% number employed as farmers or ranchers- most recent census data
- 2.5% number who collected unemployment for 15 weeks or more – latest six month period (State of Georgia specific)
- 10% number employed in manufacturing, mining and agriculture – latest six month period
- 10% number employed in retail and wholesale trade – latest six months
- 10% number enrolled in WIA dislocated worker training – 12 month period

WIA ALLOCATION PROCESS TIMELINE

- I. February 20XX
 - A. GOWD Programmatic and Compliance teams begin the process of compiling data for preparing the allocation factors for all 3 funding streams.
 - B. GOWD Data and Information team will provide all data reporting, compile all necessary information for the GOWD Programmatic and Compliance teams
 - Adult Program
 - Youth Program
 - Dislocated Worker Program
- II. March 20XX
 - A. Allocation factors are distributed to Finance Department, Program Managers, Compliance Department & the Local Workforce Investment Areas (LWIAs), after review by the Governor's Office of Workforce Development. If the allocation factors have been modified since previous year, allocation factors will be presented to the State Workforce Investment Board for review and approval.
 - B. U.S. DOL publishes State allotments for all 3 funding streams. The State allotments represent total funding for the life of the grants, unless there is a rescission or reallocation of funds.
 - C. GOWD signs funding agreement with USDOL.
 - D. Preliminary allocations for all three funding streams are issued to the LWIAs.
- III. Mid-April 20XX
 - A. The Notice of Obligation (NOO) is received by GOWD from USDOL, usually the second week in the month. The signed NOO authorizes the State to issue grant awards to the LWIAs. Grant awards are issued to LWIAs in accordance with the Workforce Investment Act and State guidelines.
 - B. The Youth grant awards are issued in accordance with the Workforce Investment Act and State guidelines. The funding period for the Youth grant awards starts on April 1st and lasts for 27 months. The grant ends on June 30th. The Youth funds are program year funds.
- IV. Mid-July 20XX
 - A. The Notice of Obligation (NOO) is received by GOWD, usually the second week in the month.
 - B. The Adult & Dislocated Worker grant awards are issued to LWIAs in accordance with the Workforce Investment act and State guidelines. The funding period for the Adult & Dislocated Worker grant awards starts on July 1st and lasts for 24 months. These Adult & Dislocated Worker funds are program year funds. The grants end on June 30th. The smaller portion of these funds is awarded at this time, with the balance of the awards being funded in October.
- V. Mid-October 20XX
 - A. The Notice of Obligation (NOO) is received by GOWD, usually the second week in the month.
 - B. The balance of the Adult & Dislocated Worker grant awards are issued in accordance with the Workforce Investment Act and State guidelines. The funding period for this portion of the Adult & Dislocated Worker grant awards starts on October 1st and lasts for 21 months. The grants end on June 30th. These Adult & Dislocated Worker funds are fiscal year funds. The larger portion of these funds is awarded at this time.

DRAWDOWNS

I. Cash Requests

The Local Area submits a **Cash Request Form** to GOWD via email to a shared mailbox at WIADrawdown@georgia.gov. A separate cash request form is completed by each Local Area for each program year and funding source. Local areas submit requests on Mondays and Wednesdays. Local Areas may submit cash requests the day after a State holiday is recognized, if applicable. Requests submitted by 10:00 am will be processed same day and funds are available two business days later to the Local Areas. Most drawdown requests are for reimbursable expenses but may be an advance for upcoming payroll; detailed expenditure support and documentation is not required at the time of the cash request. Each Local Area is required to maintain appropriate levels of supporting documentation of all expenditures (payroll and personal activity reports, receipts, cost allocation plans supporting the allocation of funds, etc.) for seven years.

GOWD has four Financial Specialists (FS). Each Financial Specialist is assigned five local areas. First, the Financial Specialist (FS) copies the cash request email from his/her assigned Local Areas from the shared inbox to his/her own inbox. The Financial Specialist reviews requested amounts for funding and program year availability, accuracy of financial cash requests on the form, and that required signature(s) are included in the request.

Note: If the Local Area is a regional commission, Executive Director and Commissioner must sign. If Local Area is a city, Mayor or designee must sign. If Local Area is a county, County Commission Chair or designee must sign. It is the responsibility of each Local Area to identify any designees prior to the program year, or throughout the program year, in writing if personnel changes. If the FS does not recognize the signature or designee name, the FS will contact the Local Area, which may result in a delay in funding reimbursement requests.

Each FS maintains a cash request workbook by local area identifying the Local Area name, date cash request was received, and the total dollar amount of the request.

The FS completes a **Request for Expenditure (RFE)** form for each Local Area funding stream/program year cash request and submits (emails/hard copy) to the CFO with the cash request. The FS will also assign an invoice number to each RFE document, according to GOWD's numerical sequence.

The FS also receipts the cash request by logging into PeopleSoft and opening the Local Area purchase order for the specified grant and program year. The FS reduces the purchase order balance by the drawdown amount based on the completed RFE. PeopleSoft assigns a receipt number and the FS writes the receipt number on the RFE document

The CFO reviews Local Area program budget to actual to estimates to complete for each funding stream/year and financial coding; the CFO verifies the invoice number on the RFE document. CFO approves and signs off. If the CFO notices a discrepancy, variance or error on the RFE, then CFO would submit the RFE to Financial Specialist for correction. When the cash request exceeds \$250,000 for a Local Area, the GOWD Executive Director must review the request and sign.

The CFO prepares a **Transmittal Sheet** for each funding stream and photo copies the cash request/RFE packet. One cash request/RFE packet is filed by Local Area cabinets. The CFO submits the RFE packet (consisting of the cash request form, RFE form, and transmittal sheet) to the SAO shared inbox.

For Electronic Drawdown procedures please see Appendix A: Grants Management System (GMS).

II. Cash Disbursements

Note: a purchase order (PO) is established within PeopleSoft for each program funding source and each program year for the Local Areas. The PO is established by the State Accounting Office upon signed grant acceptance.

The cash request packet is retrieved from the SAO shared inbox by the AP Specialist. The SAO AP Specialist uses the RFE to generate the payment voucher within PeopleSoft. The SAO AP Specialist manually overrides the 'net 30 payment terms' to allow for immediate payment. The SAO AP Specialist reconciles daily payment vouchers to RFE's in PeopleSoft. Payment vouchers are processed nightly. The following morning, the AP Specialist reviews the budget error report. The budget error report indicates any budget exceptions. If exceptions exist, the payment voucher will not process. The AP Specialist also checks in PeopleSoft to see if a reference number has been assigned to all payment vouchers. A reference number indicates the payment voucher processed successfully.

ACH information has been obtained from each Local Area and entered into People Soft (see grant acceptance process narrative). The payment voucher initiates the ACH wire transfer directly to the Local Area bank accounts (*see 2. Grant Issuance workflow*); funds are deposited into local area bank accounts from the State's General Fund.

GOVERNOR'S RESERVE FUND

Governor Reserve Funds may be used for the following services:

- a. Disseminating the State list of eligible providers of training services;
- b. Conducting evaluations;
- c. Providing incentive grants to local areas for regional cooperation among local boards, local coordination of activities carried out under this Act, and for exemplary performance by local areas on the local performance measures;
- d. Providing technical assistance to local areas that fail to meet local performance measures;
- e. Assisting in the establishment and operation of one-stop delivery systems;
- f. Operating a fiscal and management accountability information system;
- g. Instituting data-driven measures to match the needs of Georgia's workforce.

While Reserve Funds are not bound by the eligibility criteria outlined for adult, dislocated worker and youth formula-funded programs the following requirements must be met:

- a. Compliance with the Selective Service registration requirements for males 18 years and older;
- b. Compliance with all State and Federal Right to Work laws.

When individuals are serviced the following criteria must be met:

- a. The use of funds must align with the purpose of WIA specified in WIA Section 106;
- b. Individuals served with funds must demonstrate a need for service actually received while in the program.

COST PRINCIPLES, ALLOWABLE COST & UNALLOWABLE COSTS

There are Federal cost principles that define when and how costs can be charged to grants: OMB Circular A-87 Cost Principles for State, Local and Indian Tribal Governments; and A-122 Cost Principles for Non-Profit Organizations. The OMB Circulars are incorporated by reference at 29 CFR 95.27 and 29 CFR 97.22 and further specified in program regulations. Even though the circulars do not address every possible cost, they are the groundwork for all grant financial management, and grantees and subgrantees should rely on their guidance to avoid audit findings and potential liability.

The following general cost principles, as specified in the cost circulars and regulations must be used in determining cost allowability for grants.

I. Costs must be necessary and reasonable

Any cost charged to a grant must be necessary and reasonable for the proper and efficient performance and administration of the grant. A grantee or subgrantee is required to exercise sound business practices and to comply with its procedures for charging costs.

II. Costs must be allocable

A grantee or subgrantee may charge costs to the grant if those costs are clearly identifiable as benefiting the grant program. Costs charged to the grant should benefit only the grant program, not other programs or activities. In order to be allocable, a cost must be treated consistently with like costs and incurred specifically for the program being charged.

III. Costs must be authorized or not prohibited under Federal, State, or local laws or regulations

Costs incurred must not be prohibited by any Federal, State, or local laws.

IV. Costs must receive consistent treatment by a grantee

A grantee or subgrantee must treat a cost uniformly across program elements and from year to year. Costs that are indirect for some programs cannot be considered direct ETA grant costs.

V. Costs must not be used to meet matching or cost-sharing requirements

A grantee may not use federally funded costs, whether direct or indirect, as match or to meet matching fund requirements unless specifically authorized by law.

VI. Costs must be adequately documented

A grantee must document all costs in a manner consistent with GAAP. Examples include retaining evidence of competitive bidding for services or supplies, adequate time records for employees who charge time against the grant, invoices, receipts, purchase orders, etc.

VII. Costs must conform to ETA grant exclusions and limitations

A grantee or subgrantee may not charge a cost to the grant that is unallowable per the grant regulations or the cost limitations specified in the regulations.

EXPENSE GUIDELINES

Service providers are authorized through their provider agreement to incur expenses benefiting the service provider's program. Additional information to clarify service provider responsibility is listed in this section.

I. Accrued Leave

A. Policy

Service providers must have a policy regarding accrual and use of paid leave by employees. The policy should have a reasonable limitation on the amount of paid leave that can be accrued from year to year.

B. Reference

Paid leave is allowable provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each activity. (Reference OMB Circular A-122, Section 7.f.)

C. Guidelines

If an employee is paid from more than one funding source, the service provider may only charge the appropriate portion of the leave pay to the service provider agreement.

Service providers shall submit a copy of the indirect costs allocation plan to the GOWD's Fiscal Director.

VI. Travel Expense and Reimbursement

Travel costs are expenses for transportation, lodging, subsistence, and related items incurred by employees and others who are on travel status on official business of the organization. Travel expenses must be reasonable and necessary, and for a bona fide business purpose related to the funding source. All supporting documentation must be kept on file. Meals, lodging, rental cars, airfare, mileage for employee-owned cars, and other travel expenses may be paid for staff and participants who travel as part of their job, training activity or grant purpose. Documentation of the purpose and cost of travel must be maintained. No employee may be reimbursed for expenses incurred in going to and from work.

Employees required to travel for official business must comply with all statewide travel regulations in effect at the time of travel. Statewide Travel Regulations can be found at <http://sao.georgia.gov>.

The State-funding agency may reimburse members of boards and councils, consultants, volunteers, service providers, and others for travel expenses incurred for an allowable purpose benefiting the workforce investment system.

A. DEFINITIONS

1. External Customers would normally be considered as program participants and/or employers. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.
2. Internal Customers are employees, sub-grantees, and board members.
3. A trainer is neither an internal customer nor an external customer and cannot be used to determine if food is allowable.

B. ALLOWABLE COSTS

1. Meals that can be paid with ETA funds and can be a direct charge or charged through an indirect cost allocation plan.
2. Meals while employees are in travel status are allowable per agency travel policy.
3. Meal costs are allowable when the grantee incurs such costs in the process of conducting meetings or conferences with external customers and other professional colleagues outside of the entity's organization.

4. The cost of a “working lunch” with external customers and other colleagues is only considered “reasonable and necessary” when there is adequate documentation on the necessity of having a meeting during a meal time instead of during normal business hours. Documentation should specify what ETA-related subjects were discussed and include a list of participants and dated itemized meal cost receipts.
- C. DISALLOWED COSTS
1. Charging costs for meals and refreshments while engaging day-to-day business with employees is disallowed.
 2. All meals and refreshments at meetings where the attendees are internal customers only are disallowed. This includes but not limited to coffee, bottled water, networking breakfast, lunch and dinner.
 3. All above meal costs must be paid with non-ETA federal funds and cannot be paid through an indirect cost allocation plan.

III. Procurement, Inventory and Disposal

A. Guidelines

Service providers may procure equipment, supplies and services under the provider agreement. Items expensed to the provider agreement must be reasonable and serve the primary objective of the agreement.

The purchase or construction of facilities or buildings is unallowable under the Workforce Investment Act, except for certain circumstances.

WIA Regulations 20 CFR Part 667.260

Service providers are delegated authority to make purchases of equipment, supplies and services as described below. Service providers are responsible for ensuring the vendors selected are not debarred or suspended by checking the information on the following federal government website: <http://epls.arnet.gov>.

1. Small Purchases – under \$5,000. All service providers may purchase items with a value of less than \$5,000 using any open and fair procurement method that best meets the agency’s needs. The method should assist the service provider in obtaining a high quality product for a fair price. Documentation should be maintained of the need for the item and its benefit to the program.
 2. Medium Purchases - \$5,001 to \$25,000. Service providers must maintain a fair and open procurement process meeting the criteria for small purchases. In addition, the service provider must obtain and document prior approval from the GOWD for the purchase, and maintain documentation of the following: bid and rating criteria; advertising and public notice of the bid opportunity; responses received; and reason for the decision.
 3. Large Purchases – over \$25,000. Large purchases are typically included in the provider agreement as part of the major purpose of the provider agreement, although this is not a requirement. Large purchases are subject to all the requirements of medium purchases, and in addition must use a formal, closed-bid procurement process. Service providers must obtain and document prior approval from the GOWD.
- B. Inventory
- Service providers must maintain an inventory record of assets purchased that have a unit acquisition cost of \$5,000 or more. A physical inventory must be taken at least once every two years to verify the presence of items on the inventory list, and an annual reconciliation of books and inventory records must be completed. Closeout of a provider agreement will include reconciliation and a report on office equipment or any other items purchased under the agreement.

Service providers must maintain physical control of the asset to ensure adequate

safeguards are in place to prevent loss, damage or theft of property. Adequate maintenance procedures must be in place to keep the property in good condition.

Service providers must retain property records for the time period required in the provider agreement.

C. Disposition

Service providers may dispose of equipment and supplies according to agency policy when the fair market value of the equipment unit, or the aggregate fair market value of the supplies, is less than \$5,000.

Service providers must notify the GOWD and obtain permission to dispose of items listed above that are valued above \$5,000. The State has the following options:

1. Request the equipment or supplies be returned.
2. Approve a buy-out of the equipment or supplies by the service provider or another agency.
3. Approve a sale of the equipment or supplies by the service provider.
4. Approve State of Georgia surplus property requirements if the service provider is a state agency.

CASH MANAGEMENT

Service providers will use the requisition for cash form to requisition cash under provider agreements. Cash requisitions may be made on Mondays and Wednesdays. If the LWIA or GOWD are closed on Monday due to a state or federal holiday then cash requisitions will also be accepted on the next day that GOWD is open. Cash requisitions must be submitted no less than once per month. All cash requisitions must be submitted by 10:00 a.m. to guarantee transfer of the funds within two business days. If received later than 10:00 a.m., the transfer may be delayed. The GOWD is not responsible for errors made at the State Treasury once the request for funds transfer is initiated, should the error cause the request to be delayed.

Cash requisitions may not exceed the amount authorized in the service provider's Notice of Obligation. No cash payments will be made to a service provider of a grant until the GOWD receives the Federal Notice of Obligation from the awarding federal agency.

I. Authorized Signature Sheet

An individual authorized by the governing body of the service provider organization or agency completes the Authorized Signature Sheet to verify the signature(s) of individuals authorized to draw cash under the agreement with the State-funding agency. Authorized Signature Sheets are applicable to specific service provider agreements and must be submitted annually at the beginning of the contract period.

II. Method of Payment

Payments to service providers shall be made on a cash requisition basis. The GOWD shall limit payments to actual and immediate cash needs. If a service provider does not comply with the requirement to keep cash requisitions limited to only actual and immediate needs or if they do not follow the grant agreement, the GOWD may, after notice to the service provider, discontinue the cash requisition method and make payments by reimbursement only.

Cash requisitions should be made by email. An authorized representative identified on the Authorized Signature Sheet must sign for all cash requisitions. If the requisitions are emailed, an authorized signatory must email them. The drawdown of funds from one grant for the purpose of funding deficits in other grant programs is prohibited.

Service providers may modify any forms noted in this section as needed. The GOWD must approve all modifications to the form prior to implementation.

III. Documentation Required for Cash Request

The GOWD reserves the right to request further documentation for clarifying purposes prior to sending cash transfer.

1. Requisition for Cash Form
2. Supporting Documentation Summary Form

LOST OR STOLEN/FORGED CHECKS

If a check has been lost or destroyed, the payee must fill out a statement stating the circumstances of the loss or destruction of the check and requesting that payment of the check be stopped. If the check has been mutilated or defaced, it should be forwarded to the issuing agency with the request for re-issuance.

If the payee recovers an original check after he/she has furnished a statement of nonreceipt, he/she should notify the issuing agency immediately. In the event the replacement check has been received prior to the recovery of the original check, the original check should be returned immediately to the agency. Under no circumstances should the payee attempt to cash both the original and replacement check.

In the event of a stolen and/or forged check, the payee must file a police report with the local law enforcement and forward a copy of the report with a statement stating the circumstances of the situation and whether it was endorsed, and also requesting that payment of the check be stopped.

PROGRAM INCOME

Program income is the gross income received by the service provider directly generated by a grant-supported activity, or earned only as a result of the grant agreement during the grant period. The local area must ensure that sub-recipients and subcontractors are aware that all program income must be accounted for and reported to the local area. Program income must be recorded in the local area's account records and reported to GOWD on the monthly and quarterly Financial Status Report.

I. Program Income Inclusions

- A. **Fee for Services:** Income from fees charged for services.
For example: The One-Stop operator provides pre-employment services for a number of private businesses. There is a per-head fee for these services. The fees are considered program income.
- B. **User or Rental Fees:** Income from the use or rental of personal property acquired with grant funds.
For example: The local One-Stop has purchased a fax machine with Wagner-Peyser funds and allows usage by Veteran's program and UI representatives. A per-page fee is charged for such use. The fees are considered program income.
- C. **Sale of Products:** Income from the sale of goods constructed under a grant agreement.
For example: As part of a course on small business development, materials are bought and used to manufacture small items. The proceeds from the sale of these items are considered program income. If the goods produced were written materials, the sale of materials would also be considered program income.
- D. **Revenue in Excess of Expenditures:** If an organization earns or receives revenue in excess of its costs under a WIA Title I program (Adult, Youth, Dislocated Workers, Job Corps, Native American, Farmworker and Veterans' programs) that revenue is to be treated as program income.
For example: A nonprofit youth service provider has a fixed price contract for the provision of placement services to out-of-school youth. Based on their performance, they have earned revenues that exceed the costs incurred by the organization in providing these services. These revenues are considered program income.
- E. **Interest Income:** Income earned from the interest paid on WIA Title I program funds is considered program income.
For example: A nonprofit LWIB maintains an interest-bearing account for all grant revenues. The LWIB receives funding from both WIA and non-WIA ETA-funded grants. The interest earned on the WIA revenues greater than \$250 per year would be treated as program income and added to the total WIA grant. The interest earned on non-WIA ETA fund advances would not be considered as program income, but interest amounts over \$250 per year would be returned to the Federal government in accordance with the requirements of 29 CFR 95.2.

29 CFR 95.2

II. Program Income Exclusions

- A. **Applicable Credits**
Reductions to grant costs as a result of refunds, rebates, credits, discounts, or the interest earned on them.
- B. **Sale of Property**
Proceeds from the sale of personal property. These requirements are covered at **29 CFR 97.32 and 29 CFR 95.30 through 37**.
- C. **Royalties, Copyrighted Material, Patents, and Inventions**

This income is considered program income **only if specifically identified as such** in the grant agreement or Federal agency regulations. However, the payment of royalties by WIA and other federally funded grants is an unallowable cost under **OMB Circular A-122**. USDOL policy is that Federal funds may not be used to pay royalties for federally developed projects or works.

D. Income Earned after the Grant Period Has Ended

The grantee is not accountable for income earned after the end of the award period. However, the grantee must report program income expended after the grant period if the income was earned during the grant period.

E. Donations

Donations and contributions are voluntary and are not generated by the use of grant funds.

F. Profits of Commercial Organizations

Profits earned by commercial for-profit organizations are not considered program income. Caution – care should be taken to minimize the amount of profit generated by grants.

G. Matching Funds

Funds provided to satisfy the matching requirements of the grants are not considered program income. Conversely, program income generated through grants may not be used to satisfy any match requirements.

III. Accounting For Revenue And Cost Of Generating Program Income

A. Net Income Method

With the net income method, the costs incidental to the generation of program income are netted against or deducted from gross program income to determine the amount of net program income. The expenditures and revenues associated with performing the activity that generates program income are tracked separately in the accounting records.

B. Gross Income Method

With the gross income method, all gross revenues derived from program income activities are accounted for as program income. In turn, the service provider's share of the allocable costs associated with generating that revenue are charged to the appropriate program activities and/or cost categories.

IV. Accounting For The Expenditure Of Program Income

A. Separate Accounting

When using separate accounting, program income is treated as additional funds committed to the grant agreement, for which separately identifiable services are performed, and the expenditure of program income is accounted for separately from the original agreement. For accounting purposes, the program income is treated as if it were a separate (sub)grant or cost objective.

B. Transfer of Expenditures

When using transfer of expenditures accounting, expenditures are initially recorded in the accounts of the original agreement and are subsequently transferred to the program income account to offset the amount of program income earned. The result is that the program income is accounted for as fully expended, while expenditures charged under the agreement are reduced by the amount of expenditures that have now been applied to program income.

Regulations require that the net program income be added to the total funds available for the program. Thus, the transfer of expenditures is only applicable should the entity fully expend both the grant and the program income.

V. Uses Of Program Income

The requirements for using program income are the same as those applied to the grant funds with the exception of the administrative cost limitation. These requirements include:

A. Allowable cost guidelines

- B. Cost classification guidelines
- C. Inclusion of program income earnings and expenditures in the audit
- D. Rules on procurement and selection of service providers
- E. Participant records and other record-keeping requirements
- F. Sanctions for misuse

29 CFR Part 95.24(a) and WIA regulations specify that program income is to be added to the total grant award and used to provide the same services as the original grant agreement. It is the policy of the Employment & Training Administration (ETA) and the GOWD that program income be wholly expended within the period of availability for WIA grants. Any program income funds remaining would be used to reduce the reported grant expenditures at closeout.

EXPENDITURE REPORTING TO GOWD

All federal grant expenditure reports shall be submitted to the GOWD on a quarterly basis. All quarterly reports are due to the GOWD by 5:00 p.m. on the twenty-fifth (25) calendar day of the first month after the quarter end date. Quarter end dates are March 31, June 30, September 30, and December 31.

U.S. DOL ETA Financial Report, ETA-9130 form will be used and may be modified to encompass all reporting requirements depending upon the federal grant being submitted. Recipients of grants are required to report expenditures separately for each source of funds cumulatively from the inception of each grant. In order to properly report costs, all grant recipients must establish a reporting system that allows them to incorporate costs at all levels of the system into the Financial Reports (FRs) submitted to the GOWD.

I. Late Reporting

Service providers shall receive one written warning notice concerning late reporting. Each subsequent late report will result in the withholding of one (1) percent of the service provider's administrative total accrued expenditures to date. If the service provider does not receive administrative funding, one (1) percent of total accrued expenditures to date will be withheld. Consistent late reporting may result in the termination of the grant.

II. Expenditure Limitations

When expenditure limits are set on administrative or other cost categories, those limits will apply to actual expenditures and cannot be exceeded without prior written approval from the GOWD.

RECAPTURE AND REALLOCATION POLICY

The Governor reserves the authority to reallocate youth, adult, and dislocated worker funds within the State in accordance with WIA Sections 128(c) and 133(c) and 20 CFR 667.160.

I. Voluntary Deobligations

A. Requests

A local area may voluntarily deobligate funds from any funding source and request their reallocation to another designated local area. The local area receiving the funds must not be below the obligation/expenditure requirements.

1. All requests must be made in writing. The request must also be accompanied by documentation of the most recent monthly Financial Status Report for both the requesting and receiving LWIB. All letters must document the approval of the Chief Local Elected Official and the Fiscal Agent of the requesting local area. These requests will be reviewed for approval by the GOWD Executive Director. For those that are approved, the Executive Director will sign approval on the letter and send a copy back to both local areas for their records. It will then be forwarded to the GOWD Finance Director to initiate the fund transfer request. Once complete, the Finance Director will confirm with both the requesting and receiving local areas. For requests that are denied, the Executive Director will inform both the requesting and receiving areas of the denial in writing.
2. For local areas who request a voluntary deobligation without naming a specific local area to receive the funds, the reallocation of the funds will be at the discretion of the Executive Director of the Governor's Office of Workforce Development. Reallocations will be made in accordance with the original allocation process, and in consultation with current records of total expenditures and obligations of each local area to date.

B. Eligibility

1. In order to be eligible to receive youth, adult, or dislocated worker funds under the reallocation procedures, a local area must have obligated at least 80 percent of the prior program year's allocation, less amount reserved for the cost of administration. This eligibility will be determined separately for all three funding streams. Any local area who failed to obligate at least 80 percent will not be eligible to receive funds as the result of voluntary deobligation or recapture of funds.
2. To be eligible to receive reallocated funds, a local area must maintain auditable records. This includes no significant findings in the most recent financial audit completed. There should be no findings related to administrative cost limitations during all prior years under WIA, and there should be no major uncorrected monitoring findings for compliance or financial issues.

II. Inter-Fund Transfer

A. Reporting

Any local area wishing to transfer eligible funds between the adult and dislocated worker streams must submit a written request to the Governor's Office of Workforce Development. This request must be signed by both the Chief Local Elected Official and the Fiscal Agent.

B. Recapture of Funds

1. Reporting

Each local area must submit an "Obligation Report" within ten business days of program year end. Separate reports must be submitted for Youth, Adult, and Dislocated Worker funds. This report will identify year-end obligations and expenditures to reflect whether a local area met the requirements to expend or obligate at least eighty percent of the initial funding allocation.

2. Recapture

Funds not reported as expended or obligated that exceed the twenty percent maximum remaining allocation will be recaptured by the Governor's Office of Workforce Development. Note: the fund calculation will not include any funds received as a result of voluntary deobligation and reallocation. GOWD shall issue revised Notice of Fund Availability to reflect the recapture of funds.

GRANT AGREEMENT CLOSEOUT

Each service provider is responsible for developing and maintaining a system to comply with the closeout requirements specified at 29 CFR Part 97.50 and 29 CFR Part 95.71. To ensure that the GOWD closes out grants in a timely manner to ETA, the following guidelines are established for service providers:

Closeout reports are due to the GOWD by 5:00 pm on the fifteenth (15th) calendar day of the second month following the end date of the grant. For example, if the grant closes on June 30, the reports are due by 5:00 pm September 15. If the due date falls on a weekend, the reports are due the following Monday.

I. Closeout Process

- A. The service provider must close and settle its contracts and reconcile all financial activity related to the grant prior to closing the grant with the GOWD.
- B. All refunds due to the awarding agency must be made before the closeout OR submitted with the closeout documents.
- C. Pending claims or late arriving invoices must be best estimated and identified in the closeout reports. Once the items are received, reconciliation must be done and sent to the GOWD to be attached to the reports. If a refund is due the awarding agency, it must be included with the reconciliation.
- D. Any refunds, rebates, or credits received after the closeout must be sent to the GOWD. If stand-in costs were reported, they may be offset by such refunds, rebates, or credits; however, the stand-in costs must have been reported prior to the receipt of the refund.
- E. The GOWD reserves the right for further grant adjustments based on audit findings after the closeout reports are submitted.

II. Closeout Package

The closeout package consists of the following forms:

- A. Service Provider's Submittal of Closeout Documents
Include a cover sheet that lists all the documents included in the closeout package.
- B. Financial Status Report
- C. If necessary, a copy of the approved indirect cost rate
If indirect costs have been charged to the grant, a copy of the provisional or final rate must be included. If the grant is closed based on a provisional rate and the final rate is lower, the grantee is required to recalculate indirect costs and return all excess indirect costs within 45 days of the final rate approval letter.
- D. Grantee's Release
The grantee certifies the release of the grantor agency from further monetary obligations under the grant. Certain specifically identified claims such as unclaimed wages, Worker's Compensation claims, or other outstanding claims must be identified and the list attached to the grantee's release.
- E. Grantee's Assignment of Refunds, Rebates, and Credits – The grantee waives claim to any refunds, rebates, or credits received after the grant has terminated and assures prompt remittance to the grantor agency.
- F. Government Property Closeout Inventory Certification – This form provides for an inventory of all real or personal property purchases acquired with grant funds or received from the Federal government where the DOL reserves the right to take title, or a certification that no such property was acquired with grant funds.

AUDITS AND RECORD RETENTION

A. Audit Requirements

Every recipient and subrecipient organization that expends \$500,000 or more in Federal financial assistance funds (received from all Federal sources combined) during its fiscal year to operate one or more programs must undergo an audit in accordance with OMB Circular A-133. A recipient, whether a State or Local Area that passes down funds to a service provider must ensure that the entity receiving the funds has an audit conducted if the entity meets the \$500,000 expenditure threshold.

Service providers that expend **less than** \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

Responsibility for non WIA audit costs and for maintaining complete financial records remains with the service providers.

Service providers having A-133 audits conducted are to inform the auditing firm that audits are to be made in accordance with the:

1. Generally Accepted Governmental Auditing Standards (GAGAS)
2. OMB Circular A-133
3. AICPA Generally Accepted Auditing Standards

The audits will include, at a minimum, an examination of:

1. The systems of internal control;
2. Compliance with laws, regulations, contracts/grants;
3. Financial statements and federal awards schedule; and
4. Prior year audit findings

The examinations are to determine whether:

1. There is effective control over and proper accounting for revenues, expenditures, assets and liabilities;
2. Financial statements are fairly presented in accordance with generally accepted accounting principles; and
3. Funds are being expended in accordance with the terms of provider agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or the awards tested.

Effective July 2012, service providers must ensure that the audit work papers and reports are maintained for a minimum of seven years, and that the work papers are available to the GOWD.

Service provider will follow the purchasing procedures contained in Section 6.30 for acquiring the necessary audit services.

A copy of the final audit report is due to the GOWD within the earlier of 30 days after publication of the auditor's report, or nine (9) months after the end of the audit period.

B. Audit Resolution Procedure

1. 120 Day Resolution Period
 - a. The service provider will have thirty (30) days from the publication of the final audit report to respond and provide any supporting documentation for costs questioned or

recommended for disallowance. The GOWD will accept only written responses. All findings and recommendations are to be addressed by the service provider in their response.

- b. The GOWD will issue a written initial determination within thirty (30) days of receipt of the service provider's first response.
- c. The service provider will then be given the opportunity for informal resolution by having thirty (30) days from receipt of the initial determination in which to respond with any further supporting documentation or information.
- d. The GOWD will issue a final determination within thirty (30) days of receipt of the service provider's response to the initial determination or no later than 120 days after the audit report has become final. The final determination includes:
 - (1) Those matters which were not informally resolved;
 - (2) Corrective actions which will be necessary; and
 - (3) notice to the service provider of the opportunity to request a hearing. Within thirty (30) days of the receipt of the final determination, the service provider may submit in writing a request for hearing to the GOWD.

2. Grievance Procedure

The next step is to go into the regular grievance procedure, where a service provider may choose to request a hearing.

3. Funds Returned

The GOWD will require the return of all funds that were not expended in accordance with laws and regulations.

C. Debt Collection Policy

Debts receivable must be paid within thirty (30) days of establishment of the debt.

Repayment of debts established will be in the form of a cash payment unless negotiation between the GOWD and the debtor produce some other method. Cash from a non-federal source is the required method of repayment where there is misuse of funds due to willful disregard of requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Settlements of debts on a non-cash basis will be by exception.

D. Methods of repayment by cash are as follows:

1. Lump Sum

Payment in full may be made by certified check, money order, cashier's check, or bank draft.

2. Installment Payments

Cash installment repayment agreements are usually of short-term duration, from three to 12 months, and are limited to 36 months by the Federal Claims Collection Standards.

Duration is negotiated based on the size of the debt and the debtor entity's ability to pay.

3. Adjustment in Payments

When cash repayment in lump sum or in installments is impossible, an agreement may be entered into with the debtor whereby the contract is reduced by the amount of the debt repayment while the program is maintained at an undiminished cost level through nonfederal contributions.

4. Withholding

This repayment method will involve withholding amounts owed the debtor for past services or for other considerations already provided in satisfaction of the debt owed.

E. Examples of Non-Cash Repayments Methods

These methods must be negotiated with the GOWD prior to being considered as a method for debt recovery.

1. This method is not actually a debt repayment, but is a way of “erasing” the debt. The debtor must identify allowable non-federal costs associated with the contract but not charged to the contract, and substitute those costs for the disallowed costs, thus erasing the debt. These expenditures must have been reported to the GOWD with the quarterly financial status report or closeout package for the year the costs were incurred in order to be considered for disallowed costs incurred during that same time period. This method would require negotiation and agreement with the debtor that such costs are subject to audit. Documentation that will establish a clear audit trail must be maintained when such agreements are made.
2. Service in Lieu of Cash
This method involves a repayment with the debtor whereby additional services above those originally agreed to with the recipient, paid through nonfederal funds, are received in lieu of cash. When it becomes clear that a debtor cannot repay through any other repayment method, an agreement of this nature may be negotiated. This method requires a written agreement signed by both parties with conditions regarding the type of funds to be used, documentation subjected to audit, and a description of the services rendered.
3. Offset
This method involves reducing the contract up to the amount of the debt. The GOWD, on behalf of the Governor, may use this option with the approval of the Secretary of Labor.

If an establishment debt is not paid within thirty (30) days of the final determination or if established installment payments are more than thirty (30) days late, a letter will be sent stating that payment is due immediately. At forty-five (45) days, another letter will be sent stating the account will be sent to the Attorney General’s Office if not paid within fifteen (15) days. At sixty (60) days, the account is turned over to the Attorney General and the GOWD will consider whether to continue to do business with the debtor.

F. Record Retention

This policy provides guidance for proper maintenance of financial and programmatic records. These records must be accessible to authorized Federal and GOWD oversight staff and verifiable for monitoring, reporting, audit, and evaluation.

Length of Record Retention

For both grantees and service providers, records must be retained for five (5) years following the date on which the expenditures report containing the final expenditures charged to a program year’s allotment or a grant is submitted to the GOWD.

The record retention period does not start over if final expenditure reports are revised, if these revisions are for the following reasons:

1. Revisions resulting from closeout
Such revisions are considered expenditure adjustments and do not alter the initial time period for retention. The records must be retained for three years from the original submission date for the final expenditure report.
2. Revisions resulting from litigation, audit/audit resolution, or claims
Records must be maintained for five years following the submission of the final expenditure report or until all issues resulting from litigation, audit/audit resolution, or claims have been resolved and final action taken, whichever is longer.

G. Other Retention Regulations

1. Real property and equipment records must be retained for five years after final disposition of the property.
2. WIA Title IB Complaint Records

Actions related to resolving complaints shall be maintained for not less than three years from the date of resolving the complaint. In addition, WIA Title IB grantees and service providers must follow the requirements of 29 CFR Part 37, as these regulations apply to the entire organization receiving WIA funds. These records should be maintained as a whole record system.

3. Litigation/Audit Records

These records must be retained beyond the prescribed period if any litigation or audit has begun, or if a claim is instituted involving the grant or agreement covered by the records. The records must be retained until resolution of the litigation, audit, or claim and final action is taken; or until the end of the regular five-year record retention period, whichever is later.

4. Failure To Obtain An Audit

A failure to obtain and audit extends the record retention requirement indefinitely. A delay in obtaining an audit or in resolving audit findings extends the record retention period until all audit requirements have been satisfied and all findings have been resolved to the satisfaction of the awarding agency.

5. Indirect Cost Records

Computations or proposals, cost allocation plans, and supporting documentation and records must be retained for five years from the date the indirect cost rate package is submitted for negotiation. If not submitted for negotiation, the records must be maintained for three years from the end of the Program Year that contains the final grant costs.

H. Termination of Relationship

When the relation with a service provider is terminated, the service provider's responsibility for maintenance and retention of records does not end. However, the GOWD may want to take physical custody of the records to assure that they are available if needed in instances where the subgrantee is unable to physically retain them.

I. Record Storage

Records shall be retained and stored in a manner that will preserve their integrity and admissibility as evidence in any audit/litigation or other proceeding. Microfilmed or photocopied records can be substituted for original records because they are generally accepted as admissible for evidentiary purposes. The burden of production and authentication of the records shall be on the custodian of the records. Failure to authenticate the records will deny the custodian the right to use it.

When no litigation, claim, negotiation, audit, or other action is pending and when grant expiration dates (per local grant agreements) are within the normal two year life cycle of the grant. The below chart may be used. It is recommended that customer files be alphabetized and placed in bankers boxes with a copy of the report taped to the lid of the box. Boxes should be clearly marked by Program Year and stored in a secure location.

Retention of Customer Records

Local PY/FY Grants	Customer Exit Dates	Earliest Disposal Date*
PY 2005/FY 2006 Expired 6/30/2007	7/1/2005 thru 6/30/2006	9/30/2010
PY 2006/FY 2007 Expired 6/30/2008	7/1/2006 thru 6/30/2007	9/30/2011
PY 2007/FY 2008	7/1/2007 thru 6/30/2008	9/30/2012

Expired 6/30/2009		
PY 2008/FY 2009 Expired 6/30/2010	7/1/2008 thru 6/30/2009	9/30/2013
PY 2009/FY 2010 Expired 6/30/2011	7/1/2009 thru 6/30/2010	9/30/2014
PY 2010/FY 2011 Expired 6/30/2012	7/1/2010 thru 6/30/2011	9/30/2015
PY 2011/FY 2012 Expired 6/30/2013	7/1/2011 thru 6/30/2012	9/30/2016
PY 2012/FY 2013 Expired 6/30/2014	7/1/2012 thru 6/30/2013	9/30/2017
PY 2013/FY 2014 Expired 6/30/2015	7/1/2013 thru 6/30/2014	9/30/2018
PY 2014/FY 2015 Expired 6/30/2016	7/1/2014 thru 6/30/2015	9/30/2019
PY 2015/FY 2016 Expired 6/30/2017	7/1/2015 thru 6/30/2016	9/30/2020

*Exceptions may apply

J. Applicable Regulations

29 CFR 97.42 applies to State and Local governmental entities and Indian tribal governments.

29 CFR 95.53 applies to nonprofit and commercial organizations, institutions of higher education, and hospitals.

Both sites apply equally to grantees and subgrantees.

Both sites include financial and program records, supporting documents, statistical records, and other records that are either required to be held by regulation or grant agreement or could reasonably be considered as pertinent to regulation or the grant agreement.

GRANT ELIGIBILITY DISBARMENT

All GOWD sub grantees/sub recipients must certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this (or any other voluntary) transaction by any Federal or State department/agency.

If at any time during the grant agreement a sub grantee/sub recipient's status changes, it is the responsibility of the sub grantee to notify the Governor's Office of Workforce Development in writing of this change. At that time, the sub grantee will have 30 days from status change to propose a new fiscal agent for the sub grantee. It is at the discretion of the Governor's Office of Workforce Development to accept this new sub grantee and re-establish the grant award with the new fiscal agent.

Any sub grantee/sub recipient who fails to notify the Governor's Office of Workforce Development of a change in status will be considered in default of the grant agreement. The State will immediately suspend the grant agreement and no further funds shall be expended under the grant. Any such funds that were expended from the time of the status change to the GOWD's notification of the status change are due back to the GOWD as disallowed costs. The State will utilize all legal resources to collect these funds.

The federal debarment registry may be found at <https://www.epls.gov/>.

The state noncompliance registry may be found at: <http://www.audits.ga.gov>

PROGRAMMATIC

This section identifies policy surrounding the programmatic elements of the Workforce Investment Act including One-Stop, Common Measures, eligibility, services and activities, and sub recipient monitoring and reporting.

ONE-STOP SYSTEM

I. Overview

The Workforce Investment Act of 1998 (WIA) creates a comprehensive workforce investment system known as the One-Stop System. The One-Stop System is intended to be customer-focused, to help Americans access the tools they need to manage their careers through information and high quality services, and help business find skilled workers.

A. One-Stop System Goal

To increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency and enhance the productivity and competitiveness of the nation.

B. Seven Principles of One-Stop Service Delivery

1. Streamlining services through better integration.
2. Empowering individuals.
3. Offering universal access.
4. Increasing accountability.
5. Creating a role for the private sector.
6. Providing flexibility from state partners.
7. Improving youth programs.

C. The Workforce Investment Act Includes Five Titles

Title I	Workforce Investment Systems
Title II	Adult Education and Literacy
Title III	Workforce Investment-Related Activities
Title IV	Rehabilitation Act Amendments of 1998
Title V	General Provisions

II. The One-Stop Operator

The One-Stop Operator is the first consideration regarding One-Stop definitions. The Operator is the driving force in the workforce system.

A. Role of the One-Stop Operator

The One-Stop Operator is responsible for general operation of the One-Stop Center as required in (Sections 134(c)(2)(A)) of WIA law and (Sections 662.100(c); 662.250; and 662.400) of WIA Regulations.

Overall operation of the One-Stop Center includes entering into agreements with the partners collocated in the center; cost allocation plan(s); service mix and flow; planning and monitoring center operations; and coordination with other service providers in the service area.

The One-Stop Operator is also responsible for developing a strategic operations or business plan for the center including the development of a common mission and goals. The One-Stop Operator should ensure that the center is guided by customer needs, customer satisfaction and customer success. The plan should include strategies for training of center staff to insure integration of service delivery to provide seamless access to services for all customers.

The One-Stop Operator must ensure that the core services specified in WIA Section 134(d)(2) are provided at the center and provide access to the other activities and programs provided under WIA and by the mandatory partner programs available in the area. The One-Stop Operator must ensure that the One-Stop Center and services are accessible to all customers including individuals with disabilities.

B. One-Stop Center

Within each workforce investment area there must be at least one designated One-Stop Center. 20 CFR 662.100(c)(d) of the Regulations lists the federally funded program partners that must provide access to core services, intensive services, training, and participate in the creation and maintenance of One-Stop Centers and systems.

III. Seamless Service Delivery

One-Stop is often described as a “seamless” system of service delivery, i.e. that information and access to services are available to the customer regardless of the site of original contact. This is accomplished by collaboration of entities responsible for separate workforce development funding streams and by integration of programs and resources at the community level. All partners have an obligation to provide the core informational services so that individuals may access the One-Stop System regardless where they enter, including information regarding access or linkages to training services and the programs and activities carried out by One-Stop partners.

IV. One-Stop Certification Process

One-Stop Systems play an integral role within the Workforce Investment Act’s vision for statewide workforce development. The State Workforce Investment Board (SWIB), in an effort to align with federal strategies, will ensure consistency and the flexibility to create a statewide system with direct input from local communities and designed to meet local needs. The SWIB has developed the general system criteria required for One-Stop Certification, and will be responsible for the certification of One-Stops on behalf of the Governor. The SWIB will also provide technical assistance and guidance to the maximum extent possible, in order to promote and expand the development of the One-Stop System in Georgia.

A. Business Plan

Local entities requesting certification will submit a business plan through their Local Workforce Investment Board (LWIB) to the SWIB. The SWIB will establish standard criteria acceptable for acceptance and approval. The SWIB must take action on the business plan within 90 days of submittal by the LWIB, and notify the LWIB in writing of the Board’s determination.

If a business plan is denied, the SWIB must notify the LWIB in writing, within the 90-day period, as to the reason(s) for denial, and provide a process improvement plan to assist the LWIB with meeting the criteria for approval of the business plan. A LWIB may submit a revised plan to the SWIB at any time, which will re-initiate the process. The SWIB will establish an appeal process for denial of application.

B. On-Site Review

Once a business plan is approved, the LWIB will conduct a site review within 60 days of the date the business plan was approved. The review will be conducted using the proposed business plan, and additional standardized criteria established/developed by the State Board, to include on-site monitoring, telephone or email interviews with site and partner staff, and other materials and information as approved. The LWIB will notify the One-Stop partner in writing within 30 days of the site review as to the determination of certification.

If the determination is favorable, the One-Stop partner will be awarded a certified status, and be provided the re-certification criteria. If the determination is not favorable, the One-Stop will be provided a corrective action plan along with the written determination,

and afforded technical support and guidance from the LWIB to assist with a second review. Within 60 days of receipt of a written response from the One-Stop partner addressing the issues of concern and requesting re-consideration, the LWIB will conduct a site review and the site-review process will be reinitiated. The LWIB will establish an appeal process for denial of application.

C. Re-Certification

Once a One-Stop is certified, every two years there after the SWIB will conduct a re-certification, including an on-site review. In order to be re-certified, the One-Stop must meet the initial certification criteria. The SWIB will establish an appeal process for denial of application.

D. Delegation of On-Site Reviews

If the SWIB elects to designate their administrative entity to conduct the on-site review of One-Stops, the SWIB is responsible for ensuring the above process is adhered to, and that they receive reports of One-Stop certification activities at each SWIB meeting.

E. Appeals Process

The SWIB is responsible for addressing issues that arise as a result of certification denial, or with the established appeals process. The SWIB will work to implement a formal Appeals Process for incorporation into the One-Stop Process.

V. Georgia One-Stop Certification Criteria

In order to be considered for certification as a local Workforce Investment Act (WIA) One Stop System, the Local Workforce Investment Board must submit a Business Plan to the State Workforce Investment Board (SWIB) for approval.

At a minimum, a One-Stop system must provide the core services specified in WIA section 134(d)(2) including the following:

1. Determinations of whether individuals are eligible to receive assistance;
2. Orientation to the information and other services available in the One-Stop system;
3. Initial assessment;
4. Job search and placement assistance;
5. Career counseling;
6. Labor market information;
7. Eligible Training Provider and LWIB program performance;
8. Information relating to the availability of supportive services in local area and referral to such services;
9. Information on filing unemployment compensation;
10. Assistance in establishing eligibility for
 - a. Welfare-to-work activities authorized under section 403(a)(5) of the Social Security Act (as added by section 5001 of the Balanced Budget Act of 1997) available in the local area; and
 - b. Programs of financial aid assistance for training and educational programs that are not funded under this Act and are available in the local area; and
11. Followup services.

One-Stop systems must also provide access to other programs and activities carried out by the One Stop partners. Additional partners may be required under the Act or the Business Plan, or voluntarily incorporated.

Co-location of programs is encouraged to the extent possible. Once a site is established, the

site must utilize the term “One-Stop” as the common identifier. When selecting the site location, consideration must be given to customer accessibility. A written agreement must detail management of the One-Stop and is to be reviewed, upon change in key staff.

Co-located partners must have a written agreement or Operating Plan describing roles and responsibilities of each partner at the site. For those who are collaborating partners off-site, roles and responsibilities will be defined in an addendum to the co-located partner agreement.

All collaborating partners, those on and off site, must have the appropriate staff trained in the services provided by other partners, know who the contact person for each partner is, and can seamlessly refer clients or participants to the appropriate entity within each partner program.

Hotelling space must be made available at the site for visiting partner programs whenever feasible. All partners, those on and off site, must have a resource area available to customers that is staffed, has information on all partners in the local system, and meets customer needs.

The site used for co-location must be accessible for those with disabilities and those who speak languages other than English.

PERFORMANCE MEASURES UNDER COMMON MEASURES

The WIA common measures reports (quarterly and annual) will cover participants who receive services financially assisted by formula or statewide reserve funds under the following ETA programs:

- WIA Adult Program
- WIA Dislocated Worker Program
- WIA Youth Program

Georgia received a waiver from USDOL-Employment and Training Administration (ETA) to report only on common measures for all programs. The common measures policy is outlined in Training and Employment Guidance Letter (TEGL) 17-05 issued by USDOL-ETA at <http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>

I. Adult and Dislocated Worker Performance Measures

Use of the term “adult” in definitions and calculations implies both adult and dislocated worker participants. For participants in the Adult or Dislocated Worker programs, the following performance measures apply:

A. Entered Employment

Methodology:

Of those who are not employed at the date of participation:

The number of adult participants who are employed in the 1st quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- Individuals who are employed at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Individuals who, although employed, have either received a notice of termination of employment or the employer has issued a Worker Adjustment and Retraining Notification (WARN) or other notice that the facility or enterprise will close, or are transitioning service members are considered not employed and are included in the measure.
- For WIA purposes, a Transitioning Service Member is defined as a service member in active duty status (including separation leave) who participates in employment services and is within 24 months of retirement or 12 months of separation.
- Employment at the date of participation is based on information collected from the individual, not from wage records.

B. Employment Retention

Methodology:

Of those who are employed in 1st quarter after the exit quarter:

The number of adult participants who are employed in both the 2nd and 3rd quarters after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- This measure includes only those who are employed in the first quarter after the exit quarter (regardless of their employment status at participation)
- Individuals who are not employed in the first quarter after the exit quarter are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment in the first, second, and third quarters after the exit quarter does not have to be with the same employer.

C. Average Earnings

Methodology:

Of those adult participants who are employed in the first, second, and third quarters after the exit quarter:

Total earnings in the second quarter plus total earnings in the third quarter after the exit quarter **divided by** the number of adult participants who exit during the quarter.

Operational Parameters:

- To ensure comparability of this measure on a national level, wage records will be the only data source for this measure. Acceptable wage record sources are a state's unemployment insurance wage records, Federal employment wage records, military employment wage records, and other administrative records, such as tax records for self-employed participants.
- Individuals whose employment in either the first, second, or third quarters after the exit quarter was determined solely from supplemental sources and not from wage records are excluded from the measure.

II. Youth Performance Measures

The Youth Common Measures replaced the WIA statutory measures on July 1, 2007.

A. Placement in Employment or Education

Methodology:

Of those who are not in postsecondary education or employment (including the military) at the date of participation:

The number of youth participants who are in employment (including the military) or enrolled in postsecondary education and/or advanced training / occupational skills training in the first quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Individuals who are in post-secondary education or employment at the date of participation are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- Employment and education status at the date of participation are based on information collected from the individual.
- Individuals in secondary school at exit will be included in this measure.

B. Attainment of a Degree or Certificate

Methodology:

Of those enrolled in education (at the date of participation or at any point during the program):

The number of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter **divided by** the number of youth participants who exit during the quarter.

Operational Parameters:

- Education refers to participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.
- Individuals in secondary school at exit will be included in this measure.
- The term diploma means any credential that the state education agency accepts as equivalent to a high school diploma. TEGL 17-05 clarifies that the term diploma also includes post-secondary degrees including Associate's Degrees (AA and AS) and Bachelor's Degrees (BA and BS).
- Diplomas, GEDs, or certificates can be obtained while a person is still receiving services or at any point by the end of the third quarter after the exit quarter.
- Work readiness certificates will not be accepted under this measure.

C. Literacy and Numeracy Gains

Methodology:

Of those out-of-school youth who are basic skills deficient:

The number of youth participants who increase one or more educational functioning levels **divided by** the number of youth participants who have completed a year in the youth program (i.e., one year from the date of first youth program service) **plus** the number of youth participants who exit before completing a year in the youth program.

Operational Parameters:

- In-school youth are excluded from this measure. (Note: determination of in-school or out-of-school status is only made at point of program participation.)
- It is allowable to use pre-tests that are administered up to six months prior to the date of first WIA youth service, if such pre-test scores are available. If prior pre-tests are not available, administration of the pre-test must occur within 60 days following the date of first youth program service.
- This measure is based on “date of first youth program service” rather than date of participation because date of participation is defined as the earliest date of service from any program if a participant receives services from multiple programs. It is possible for the participation date of a youth to be prior to the date of first WIA youth service if such a youth was served earlier by a different program. Therefore, date of first WIA youth service is used to ensure that this measure is based on a “youth participation date” rather than the initial participation date.
- Individuals who are determined not to be basic skills deficient based on pre-test results are excluded from this measure (i.e., programs will not be held accountable for these individuals under this measure).
- When administering assessment tools, individuals with disabilities (as defined in 29 CFR Part 37.4) should be accommodated according to: (1) Section 188 of WIA: 29 CFR Part 37, Section 504 of the Rehabilitation Act of 1973, and Title H of the Americans with Disabilities Act), (2) guidelines associated with the assessment tool used to determine functioning levels, or (3) state law or policies. Further guidance can be found in TEGL 17-05 under the section called *Testing Youth with Disabilities*.
- The measure includes individuals who are given an initial assessment but, either:
 - (1) Do not post-test before exiting the program, or
 - (2) exit before completing a year in the youth program (i.e., one year from the date of first youth program service).
- To be included in the numerator, a participant must demonstrate on a post-test that he / she has advanced one or more educational functioning levels beyond the level in which he / she was initially placed at pre-test within one year from the date of first youth program service. (Note: the one-year time period is from date of first youth program service, not the date of pre-test.)
- All out-of-school youth must be assessed in basic reading / writing and math. The Tutoring/Study Skills service can be used to help out-of-school youth who are basic skills deficient.

WIA DATA SOURCES

- I. This section describes data sources and methods to collect data for the common measures. The data source(s) applicable to each measure are as follows:

PERFORMANCE MEASURE	DATA SOURCES
Adult Measures	
Entered Employment	Wage records and supplemental data sources
Employment Retention	Wage records and supplemental data sources
Average Earnings	Wage records Supplemental sources (only for grantees that do not have access to wage records)
Youth Measures	
Placement in Employment or Education	Wage records and supplemental data sources for placement in employment and military Administrative records for placement in education and Training
Attainment of a Degree or Certificate	Administrative records
Literacy and Numeracy Gains	Assessment instrument

A. Wage Records

To ensure comparability of the common measures on a national level, wage records are the primary data source for the employment-related measures (except as noted in this section).

1. Unemployment Insurance Wage Records

To the extent it is consistent with state law, UI wage records will be the primary data source for tracking the adult entered employment, retention, and earnings measures and the employment portion of the youth placement in employment or education measure. UI wage records include private sector, non-profit sector, and government employer wage reports such as:

- State government employment records
- Local government employment records
- Judicial employment records
- Public school employment records

2. Additional Wage Records

While most forms of employment in a state's workforce are "covered" and will be in the UI wage records as noted above, certain types of employers and employees are excluded by Federal UI law or are not covered under states' US laws. States may use record sharing and/or automated record matching with other employment and administrative data sources to determine and document employment and earnings for "uncovered" workers.

Additional wage record data sources include the following:

- Wage Record Interchange System (WRIS)

- b. U.S. Office of Personnel Management (OPM)
- c. U.S. Postal Service
- d. U.S. Department of Defense
- e. Railroad Retirement System
- f. State New Hires Registry
- g. State Department of Revenue or Tax (for individuals who are self-employed, information must be obtained through record-sharing or automated matching of state tax records)

ETA, in collaboration with the Office of Personnel Management, U.S. Postal Service, and the Department of Defense, has created a pilot data exchange system to provide access for all states to federal and military employment wage record information. The pilot data exchange programs is called the Federal Employment Data Exchange System (FEDES) and Georgia participates in this program.

B. Supplemental Sources of Data

Supplemental data will be used for program management purposes and to gain a full understanding of program performance and activities. Although a majority of employment situations will be covered by wage records, certain other types of employment, particularly self-employment, are either excluded from the sources of data identified under Subsection A above or very difficult for grantees to access due to data confidentiality (e.g., access to State department of Revenue or Tax records).

Grantees should not be discouraged from providing entrepreneurial training or assisting the hard-to-serve simply because the subsequent employment is not covered by wage records. Therefore, in order to convey full and accurate information on the employment impact of ETA programs, grantees may use supplemental sources of data to document a participant's entry and retention in employment for those participants not covered by wage records.

Allowable sources of supplemental information for tracking employment-related outcomes include case management notes, automated database systems, One-Stop operating systems' administrative records, surveys of participants, and contacts with employers. All supplemental data and methods must be documented and are subject to audit.

Supplemental data needs to be recorded to ensure it will be used when calculating performance.

See Section on Follow-Up Services and Activities for more information relating to requirements for supplemental data.

C. Administrative Records

Administrative records will be the data source for the education and training portion of the placement in employment or education measure and the attainment of a degree or certificate measure. All data and methods used to determine placement in education and training or achievement of a degree or certificate must be documented and are subject to audit.

1. Placement in Post-Secondary Education or Advanced Training / Occupational Skills Training

The following data sources can be used to determine whether participants in youth programs are placed in post-secondary education and / or advanced training / occupational skills training:

 - a. Case management notes and surveys of participants to determine if the individual has been placed in post-secondary education and / advanced training / occupational skills training; or
 - b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has been placed in post-secondary education and / or advanced training / occupational skills training. These data sources may include:
 1. State boards governing community colleges
 2. State boards governing universities
 3. State education associations
 4. Integrated post-secondary or higher education reporting units

5. Training institutions / providers
2. Degree or Certificate

The following data sources can be used to determine whether participants in youth programs attain degrees or certificates:

 - a. Document in case management notes that the individual has received a degree or certificate. For data validation purposes, required documentation in the participant file includes the following sources:
 1. Transcripts
 2. Certificates
 3. Diploma
 4. Letter from school systemThe date on the degree or certificate must match what is entered in GWS.
 - b. Record-sharing agreements and / or automated record matching with administrative / other data sources to determine and document that the participant has received a degree or certificate. These data sources may include:
 1. State boards of education
 2. State boards governing community colleges
 3. State boards governing universities
 4. State licensing boards for private schools
 5. State education associations
 6. Integrated post-secondary or higher education reporting units
 7. State Department of Professional or Occupational Regulation (possibly other units such as health care administration or specific boards like the “Board of Nursing”)
 8. Professional, industry, or employer organizations or product manufacturers or developers
 9. Training institutions / providers
 10. Adult Basic Education providers (GED / equivalent testing agencies)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Section 1232g; see the Act’s regulations at 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive U.S. Department of Education funds and may restrict access to a participant’s education outcome information. Grantees are encouraged to contact the Department of Education at (202) 260-3887 (voice), or visit the ED.gov website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html> for further assistance.

All the above information can be found in TEGL 17-05.

PARTICIPATION AND EXIT UNDER COMMON MEASURES

I. Point of Participation for common measures reporting

A. *What is the definition of a participant?*

A participant is an individual who is determined eligible to participate in the program and receives a service funded by the program in either a physical location (One-Stop Career Center or affiliate site) or remotely through electronic technologies.

B. *When does program participation occur?*

Following a determination of eligibility (if required), participation in a program commences when the individual begins receiving a service funded by the program. This phrase has the same meaning as the “date of participation” used in some of the measures. If the participant receives services from multiple programs, then states and grantees may use the earliest date of service as the “date of participation” when reporting on the measures in each program.

Operational Parameters:

1. Criteria that are used to determine whether an individual is eligible to participate will be based on the eligibility guidelines for the program.
2. The phrase “determined eligible to participate in the program” under WIA does not apply to individuals who receive core services in a self-service, facilitated self-help, or staff-assisted modality funded by the Wagner-Peyser Act. These individuals are considered participants and are included in the Wagner-Peyser Act performance accountability system.
3. Individuals who are age 18 or older who only receive WIA-funded self-service or informational activities are to be counted as participants under the WIA Adult program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.
4. Individuals eligible to participate in the WIA Dislocated Worker program who only receive WIA-funded core services, including self-service or informational activities, are to be counted as participants under the WIA Dislocated Worker program. Their treatment under the WIA performance accountability system is covered in Section 8 of TEGL 17-05.
5. An individual may be participating in several programs simultaneously and may be counted as a participant in each of those programs. For example, a customer who accesses information on a computer purchased / leased from one funding stream and who is assisted by an employee who is paid from yet another funding stream may be considered as a participant in both funding streams, as appropriate, and with consideration to the programs’ eligibility definitions.
6. Self-directed job search is a service and individuals who use self-directed tools for job search are participants. Please note that self-directed job search alone does not initiate participation in the WIA Youth program.
7. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress does not result in the commencement of a participation period.
8. Examples of other services and activities that do not commence participation in a program include the following:
 - a. Determination of eligibility to participate in the program;
 - b. Caseload management activities of an administrative nature that involve regular contact with the individual or employer to obtain information regarding his / her employment status, educational progress, or need for additional services;
 - c. Income maintenance or support payments (e.g., unemployment insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). ETA expects and encourages states to assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work.
 - d. Individuals who visit a physical location for reasons other than its intended purpose

(e.g., use of restrooms or ask staff for directions) are not participants.

II. Point of Exit for Common Measures

A. *What is the definition of program exit?*

The term program exit means a participant has not received a service funded by the program or funded by a partner program for 90 consecutive calendar days, and is not scheduled for future services. The exit date is the last date of service.

Operational Parameters:

1. In accordance with Section 101(34) of the Workforce Investment Act, receipt of post-employment follow-up services designed to ensure job retention, wage gains, and career progress do not count as a service that would extend the participation period. Such follow-up services that do not extend the period of participation could include, but are not limited to: additional career planning and counseling; contact with the participant's employer, including assistance with work-related problems that may arise; peer support groups; information about additional educational opportunities; informational mailings; and referral to supportive services available in the community. Although these services should not extend the participation period or delay program exit, states are reminded that these services may have a direct and positive impact on the employment retention and wage gains of participants who enter employment.
2. Examples of other activities that do not extend the period of participation or delay program exit include the following:
 - Determination of eligibility to participate in the program;
 - Caseload management services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant's employment status, educational progress, or need for additional services;
 - Income maintenance or support payments (e.g., Unemployment Insurance (UI) benefit payments, Temporary Assistance for Needy Families (TANF), other cash assistance, Food Stamps, and subsidized childcare). ETA expects and encourages states to assure that UI claimants will be actively engaged in the search for new employment while they receive UI benefits and that the workforce investment system will provide reemployment services and job search assistance to speed their return to work. However, trade readjustment allowances and other needs-related payments funded through the Trade Adjustment Assistance (TAA) program, WIA, or National Emergency Grants are elements of a training program that delay program exit because these allowances and payments are tied to continuous participation in skills training.
3. Many grantees have the capability to track participants across partner programs. At a minimum, these grantees must track participant services across the DOL-funded required One-Stop partner programs until the individual exits all services. Grantees are encouraged to fully integrate Workforce Investment Act programs and services with all of the required and other appropriate partner programs to provide comprehensive business and participant services. ETA also encourages states to develop integrated data and reporting systems to support program integration and shared performance accountability.
4. The phrase "and is not scheduled for future services" does not apply to a participant who voluntarily withdraws or drops out of the program. In these circumstances, once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program.

B. *Are there any exceptions to the definition of exit?*

A participant should not be considered as exited if there is a gap in service of greater than 90 days in one of the following circumstances:

1. Delay before the beginning of training;
2. Health / medical condition or providing care for a family member with a health / medical

condition;

3. Temporary move from the area that prevents the individual from participating in services, including National Guard or other related military service.

A gap in service must be related to one of the three circumstances identified above and last no more than 180 consecutive calendar days from the date of the most recent service to allow time to address the barriers to continued participation. However, grantees may initiate a consecutive gap in service of up to an additional 180 days for the participant that follows the initial 180 day period to resolve the issues that prevent the participant from completing program services that lead to employment. Grantees must document all gaps in service that occur and the reasons for the gaps in service, including the participant's intent to return to complete program services.

C. *When does exit from the program occur?*

Once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days, has no gap in service, and is not scheduled for future services, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program. If the participant receives services from multiple programs, then states and grantees may use the last or most recent date of service as the "date of exit" for use in reporting on the measures in each program.

Discussion:

To encourage service integration and recognize shared contributions toward performance outcomes, workforce programs, and, at a minimum, the required DOL funded One-Stop partner programs should share accountability under the common measures when the participant has exited all services funded by the program or funded by a partner program. Some methods for tracking a participant across programs include specifying services financially assisted by partner programs in the individual's service plans, coordinating service tracking through integrated data systems or other technologies, and providing coordinated follow-up services to individuals.

III. Exclusions from Common Measures

Occasionally, circumstances arise that are beyond the control of both the participant and the program and are expected to last for an undetermined period beyond 90 days. The intent here is to identify a common list of specific circumstances as to when a participant can be excluded from common measures. A participant in any of the following categories, either at the time of exit or during the three-quarter measurement period following the exit quarter, may be excluded from common measures:

- A. *Institutionalized* – The participant is residing in an institution or facility providing 24-hour support, such as a prison or hospital, and is expected to remain in that institution for at least 90 days. This reason does not apply to individuals with disabilities (as defined in 29 CFR 37.4) residing in institutions, nursing homes, or other residential environments; individuals participating in the Responsible Reintegration of Youthful Offenders program; and individuals participating in the Prisoner Reentry Initiative..
- B. *Health/Medical or Family Care* – The participant is receiving medical treatment or providing care for a family member with a health / medical condition that precludes entry into unsubsidized employment or continued participation in the program. This does not include temporary conditions or situations expected to last for less than 90 days.
- C. *Deceased*
- D. *Reserve Forces Called to Active Duty* – The participant is a member of the National Guard or a military reserve unit and is called to active duty for at least 90 days.
- E. *Relocated to a Mandated Program* – For youth participants only, the participant is in the foster care system or another mandated (residential or non-residential) program and has moved from the area as part of such a program. This does not include relocation to a Job Corps center.
- F. *Invalid or Missing Social Security Number* – Because the measures require grantees to match personally identifiable client records with wage and other administrative data in order to obtain outcome information, grantees may exclude from all the measures those participants who do not voluntarily disclose a valid social security number.

All of the above information can be found in TEGL 17-05.

REPORTING DIFFERENCES BETWEEN THE WIA ACCOUNTABILITY SYSTEM & COMMON MEASURES

One of the purposes for the introduction of common measures was to more accurately reflect the true number of individuals who benefit from the One-Stop system. ETA recognizes that states are dedicating significant resources to ensure that services (including core self-service and informational activities) are available to remote customers who access the workforce investment system via electronic technologies. ETA intends to provide Congress, the public and other interested stakeholders with more complete and accurate information on participation levels and types of services being provided through the nation's workforce investment system, including data on customers who access services via electronic technologies. However, confusion still exists as to when an individual receiving a program-funded service must be included in performance calculations. This confusion has resulted in a significant undercount of the number of individuals who benefit from funded services, as well as a distorted view of system outcomes, efficiency and efficacy of WIA, Wagner-Peyser Act, Jobs for Veterans Act, and other programs. The following sections seek to distinguish participants who need to be included in the common measures participant counts from participants who need to be included in performance calculations for WIA and other programs.

A. *Who needs to be reported in the common measures participant counts?*

ETA's policy requires state workforce agencies (SWAs) to report, in the appropriate participant counts, all individuals who have been determined eligible and receive a service, including self-service and informational activities, in either a physical location (One-Stop Center or affiliate site) or remotely through electronic technologies.

B. *Who needs to be included in the performance measures calculations?*

All participants who receive a core, intensive, or training service who exit the program are to be included in performance measures calculations, except that Section 136 of WIA expressly excludes WIA adult and dislocated worker program participants who only receive self-service or informational activities from performance calculations.

The exclusion of participants receiving only self-service or informational activities from the WIA performance calculations has been a major source of confusion and misrepresentation at the state and local level, and has resulted in large numbers of participants being improperly excluded from the outcome performance calculations. ETA is clarifying its interpretation of self-service and informational activities in order to promote greater accountability and consistency among states in their performance computations for the WIA Adult, Dislocated Worker, Wagner-Peyser Act, Jobs for Veterans Act, and Trade Act programs.

1. Self-Service and Informational Activities

According to 20 CFR 666.140(a)(2), **self-service** and **informational activities** are those core services that are made available and accessible to the general public; that are designed to inform and educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their situation; and that do not require significant staff involvement with the individual in terms of resources or time.

ETA interprets the critical terms above as follows:

Self-service occurs when participants serve themselves in accessing workforce investment system information and activities in either a physical location, such as a One-Stop Career Center resource room or partner agency, or remotely via the use of electronic technologies.

Informational activities in a workforce investment setting may include both self-services and staff-assisted core services that are designed to inform and educate a participant about the labor market and to enable a participant to identify his or her individual employment strengths, weaknesses, and the range of services appropriate for the individual. The exception is core services that require significant staff involvement, as described below.

2. Clarification of Significant Staff Involvement

Significant staff involvement is fundamental to determining if a participant will be considered in performance calculations. The critical distinction is determining when a participant has received a level of service that requires significant staff involvement.

Significant staff involvement in a workforce investment setting is any assistance provided by staff beyond the informational activities described above regardless of the length of time involved in providing such assistance. Significant staff involvement includes a staff member's assessment of a participant's skills, education, or career objectives in order to achieve any of the following:

- a. Assist participants in deciding on appropriate next steps in the search for employment, training, and related services, including job referral;
- b. Assist participants in assessing their personal barriers to employment; or
- c. Assist participants in accessing other related services necessary to enhance their employability and individual employment related needs.

A participant who receives this level of service has received a service that involves a significant level of staff involvement; therefore, this participant would be included in the performance measures calculations.

On the other hand, when a staff member provides a participant with readily available information that does not require an assessment by the staff member of the participant's skills, education, or career objectives, the participant is a recipient of informational activities. This includes information such as labor market trends, the unemployment rate, information on businesses that are hiring or reducing their workforce, information on high-growth industries, and occupations that are in demand.

A participant is also a recipient of informational activities when a staff member provides the participant with information and instructions on how to access the variety of other services available in the One-Stop Career Center, including the tools in the resource room.

A participant who only receives this level of service has not received a service that involves a significant level of staff involvement; therefore, he/she is a participant who would be excluded from the performance measures calculation.

3. Inclusion of Participants in Performance Calculations by Program

Although the WIA Adult and Dislocated Worker program participants who access or receive only self-service or informational services are excluded in the WIA performance calculations, these participants should be included in the Wagner-Peyser Act reporting and performance calculations to the degree that Wagner-Peyser Act funds contributed to the core employment and workforce information services received.

In accordance with policy principles in TEGL 17-05, if a participant is served by a specific funding stream, he/she will be counted as a participant in that funding stream's reporting system and/or performance calculations. For example, Wagner-Peyser Act funds are often used to support and maintain One-Stop Career Center operations, electronic tools, job banks, and workforce information services. In these situations, it would be appropriate to include participants who accessed or received Wagner-Peyser Act-funded services in the Wagner-Peyser Act performance accountability system. Where WIA program funds are used in similar ways, participants who receive self-service or informational activities would only be included in the WIA participant and services counts, but would not be counted in the WIA performance measures.

The GOWD is accountable for assuring uniform application of ETA policy and is available to assist local service providers in making these determinations.

All of the above information can be found in TEGL 17-05.

ELIGIBILITY

The Eligibility section defines policy for general eligibility determination, social security number procedures, family size and income determination, selective service registration requirements, priority of service, and the individual employment plan and service strategy.

GENERAL ELIGIBILITY DETERMINATION PROCESS

In order to be eligible to receive services or participate in activities funded by WIA monies made available to GOWD; all participants must be able to prove their Citizenship or Eligible Noncitizen status. Services funded by WIA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

WIA Section 188(a)(5)

I. Acceptable documents that establish both Citizenship (Identity) and Employment Eligibility status:

- U.S. Passport (unexpired or expired)
- Unexpired Foreign Passport, with temporary I-551 stamp or attached unexpired Arrival-Departure Record, INS Form I-194, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for a US employer.
- Permanent Resident Alien Card or Alien Registration Receipt Card (INS Form I-551)
- Unexpired Employment Authorization Document that contains a photograph (INS Form I-688, I 688-A, I-688B, or I-766)

If the applicant does not provide one of the above documents, they will be required to provide at least 1 document from each of the 2 lists below.

II. Acceptable documents that establish Citizenship (Identity):

- Valid Driver's License or ID Card issued by a state or U.S. Territory
- ID Card issued by federal, state, or local government agency or entity – must contain photograph or information, such as name, date of birth, gender, height, eye color, and address
- School ID Card with photograph
- Voter Registration Card
- US Military Card or Draft Record
- US Coast Guard Merchant Mariner Card
- Native American Tribal Document
- Driver's License issued by a Canadian government authority
- For individuals under the age of 18 they may provide either a school record, school report card, clinic record, doctor record, hospital record, day care record, or nursery record

III. Acceptable documents that establish Employment Eligibility:

- US Social Security Card issued by the Social Security Administration
- Certificate of Birth Abroad issued by the Department of State (Form FS-545 of Form DS-1350)
- Original or certified copy of birth certificate issued by a state, county, or municipal authority
- Native American Tribal Document
- US Citizen ID Card (INS Form I-179)
- Unexpired Employment Authorization Document issued by DHS

In addition to the above Citizenship and Employment Eligibility requirements, all male applicants for WIA funded services must be able to prove they have properly registered with Selective Service or are exempt from doing so. See Selective Service Registration Requirements Section 3.3.5.4 of this manual. Georgia Workforce System (GWS) is used to maintain and track services provided through the funding program in this Manual.

IV. Application

The application process includes completion of the GWS application form. All

service providers are required to use the GWS, WIA.08. The completed application shall be electronically entered in GWS.

The application process requires evidence of all necessary eligibility documentation regarding citizenship, age, income (for youth and adults), selective service registration (if applicable), and a standardized basic skills assessment for math and reading levels. Upon completion of eligibility determination, eligible applicants are placed in an applicant pool. **For adults and dislocated workers**, enrollment for services beyond the Core level is based on eligibility criteria, participant need and programmatic considerations.

Equal Opportunity data must be collected at this point. (WIA Section 188(a))

V. Referral

Local Workforce Areas shall provide information to eligible applicants, whether enrolled in WIA or not, of the services available through WIA service providers, including information for women regarding the opportunities for nontraditional training and employment. Determination may be made prior to enrollment in WIA to refer an eligible applicant to another service agency or training and education program deemed more suitable for the individual. Each service provider shall ensure that an eligible applicant who cannot be served by its particular program shall be referred to appropriate agencies, both within and outside the WIA system that may be able to better serve the applicant.

VI. Confidentiality and Release Of Information

State and federal privacy laws safeguard an individual's privacy from the misuse of federal and state records and provide individuals access to their records. Providers must maintain participant and applicant files in a manner to safeguard confidentiality.

Funding source agencies have access to participant files. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals or agencies request access to information in a file, an authorization of release for the information must be obtained from the participant.

Access to the records from other agencies may also require authorization for release of information.

SOCIAL SECURITY NUMBER PROCEDURE

In accordance with Section 7 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note Disclosure of Social Security Number), unless the disclosure is required by Federal statute, applicants may not be denied any right, benefit or privilege provided by law because of the individual's refusal to disclose his/her Social Security Number (SSN).

Disclosure of an individual's social security number pursuant to the Internal Revenue Code where it is used as the identifying number for the purposes of a return, statement or any other document under the Code (i.e., for payment of wages for OJT, Work Experience, etc.) may be properly required.

NOTE: Applicants who do not possess a Social Security card must apply for one to ensure that a copy of that card may be placed in the applicant file.

I. Guidelines For Obtaining Social Security Number

Although an applicant cannot be denied WIA services for failure to disclose their SSN, they must submit their SSN in order to receive wages paid while participating in WIA (i.e., OJT).

Training and Employment Guidance Letter (TEGL) No. 5-08 (issued November 13, 2008) says that States must request a participant's social security number when offering intensive WIA services or providing financial assistance, however the State may not deny access to any participant who refuses to provide a social security number. Not obtaining an SSN from a participant means that any outcomes for this participant would be excluded from performance measures unless supplemental information is available to verify the performance outcomes for non-wage based measures.

It is important for service providers to request the applicant's SSN at intake and advise them that their social security numbers are maintained in a secure and confidential manner. Applicants should also be advised that the State only uses the SSN for the following:

- A. Payment of wages and allowances, even though at intake it may not be possible to determine the form of payment, if any, the applicant will receive; and
- B. Tracking Unemployment Insurance Wage Records for the calculation of program performance measure outcomes.

According to Federal reporting requirements a valid SSN must be obtained and recorded prior to termination and record transmittal. The regulations further state that The Department (USDOL) assumes full responsibility for protecting the confidentiality of the data and will ensure that data files are maintained according to applicable Federal laws, with particular emphasis upon compliance with the provisions of the Privacy Act and the Freedom of Information act. It will remove SSN from participant files before they are shared with Federal agencies and other users." **All recipients of WIA Title IB funds are governed by these requirements.**

II. Procedure for obtaining Social Security Number

Providers should assist the applicant in obtaining a SSN from the Social Security Administration. Please note this in the participant's file.

FAMILY SIZE AND INCOME DETERMINATION

I. Family Size

Family size must be determined and verified only if using family income to determine low-income status. Family size will be determined by counting the maximum number of family members in the residence during the last 6 months, not including the current month.

A family, for eligibility purposes, means two or more persons related by blood, marriage or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A. A husband, wife and dependent children
- B. A parent or guardian and dependent children
- C. A husband and wife

WIA Section 101(15)

In certain cases, an individual may be considered a "family of one" for the purpose of eligibility determination. This includes individuals with a disability whose family income may exceed the income criteria, but whose own income meets the income criteria.

20 CFR 664.250(a)(b)

II. Income Determination

Income is the amount of all reportable income for each family member for the prior six (6) months. This amount multiplied by two (2) is the total annualized family income.

Family income means all includable income actually received from all sources by all members of the family during the income determination period. However, when computing family income, the income of a spouse and/or other family members shall only be counted for that portion of the income determination period that the person was actually a part of the family of the applicant. Family size for the determination period is the maximum size of the family during such period. All items not expressly excluded are includable income.

Applicants having minimum or no income should complete an applicant statement that describes their means of support in the last six months.

INCLUDE In Family Income:

1. Money wages and salaries before any deductions;
Net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense);
2. Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);
3. Regular payments from railroad retirement, strike benefits from union funds, worker's compensation, and training stipends;
4. Alimony;
5. Military family allotments or other regular support from an absent family member or someone not living in the household;
6. Pensions whether private, government employee (including Military retirement pay);
7. Regular insurance or annuity payments **other than** Supplemental Security Income disability (SSI) or veterans' disability;
8. College or university grants, fellowships, and assistantships;
9. Net gambling or lottery winnings;
10. Social Security Disability Insurance payments (SSDI)
 - **Social Security Disability Insurance (SSDI) pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of a disability. SSDI is considered income replacement and must be included in family income.**

EXCLUDE from family income:

1. Unemployment compensation;
2. Child support payments;
3. Public Assistance payments (including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Refugee Case Assistance (RCA), and General Assistance (GA));
 - **Supplemental Security Income (SSI) is a program that pays benefits to disabled adults and children who have limited income and resources. It is also paid to people 65 and older without disabilities who meet the financial limits. SSI is considered cash assistance and individuals receiving SSI are automatically income eligible the same as individuals receiving TANF or SNAP. A WIA applicant on SSI is a family of one. Refer to the Adult or Youth Verification Worksheets for acceptable documentation for SSI recipients.**
4. Foster care child payments;
5. Title IV of the Higher Education Act (i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants (FSEOG), and Federal Work-Study (FWS);
6. Needs-based scholarship assistance;
7. Income earned while [the veteran was] on active military duty and certain veteran's benefits (i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance);
8. Capital gains;
9. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;
10. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury;
11. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps (**received or has been determined eligible to receive Food Stamps (SNAP) within the six month period prior to application for the program**); school meals, and housing assistance;
12. Old age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402).
 - **Old age and survivors insurance benefits include:**
Social Security Survivor Benefits these are benefits paid to people up to age 18 who have had a parent die and the parent paid wages into the system; and
 - **Social Security Retirement Benefits – these are benefits that are paid to people who reached their social security age and have wages paid in the system.**

II. Income Table for Adults and Youth

Program Years 2011-2012 Six-Month Income Guidelines for WIA Low Income Level Figures Effective April 13, 2012			
Family Size	Metropolitan Areas	Atlanta MSA	Nonmetropolitan Areas
1	\$5,585	\$5,585	\$5,585
2	\$7,565	\$7,565	\$7,565
3	\$9,803	\$9,545	\$9,663
4	\$12,103	\$11,525	\$11,929
5	\$14,284	\$13,505	\$14,077
6	\$16,706	\$15,755	\$16,463
7	\$19,127	\$18,038	\$18,848
8	\$21,549	\$20,320	\$21,234
For each over 8 Add:	\$2,422	\$2,283	\$2,386

Source: 2012 Income Guidelines for WIA Low Income Level, GADOL

SELECTIVE SERVICE REGISTRATION REQUIREMENTS

I. Selective Service Registration

All participants enrolled in WIA Adult, Dislocated Worker and Youth programs must be in compliance with Selective Service Registration under the Military Selective Service Act as a condition for participation. ***This policy is in accordance with the TEGL No. 11-11, change 2 dated May 16, 2012.***

Those required to register with Selective Service include:

Men born on or after January 1, 1960 and who are:

1. Citizens of the United States;
2. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday and/or;
3. Dual nationals of the United States and another country regardless of where they live.

Selective Service registration is not required of **U.S. citizens** if the male falls within one of the following categories:

1. Men who are serving in the military on full-time active duty;
2. Men attending the service academies;
3. Disabled men who are continually confined to a residence, hospital or institution; and/or
4. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

Selective Service registration is not required of **non-U.S. citizens** if the male falls within one of the following categories:

1. Non-U.S. male who came into this country for the first time after his 26th birthday

Acceptable forms of supporting documentation include:

- a. Date of entry stamp in his passport;
 - b. I-94 with date of entry stamp on it; or
 - c. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
2. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
 3. Non-U.S. male on a valid non-immigrant visa.

The lists are not intended to be exhaustive and the Selective Service System provides a quick reference chart showing who must register on the Selective Service website at

<http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>

II. Selective Service Compliance

In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960 must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation showing registration status includes:

1. Selective Service Acknowledgement letter
2. Form DD-214 "Report of Separation"
3. Screen printout of the Selective Service Verification on the Selective Service website at www.sss.gov/RegVer/wfVerification.aspx. For males who have already registered this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
4. Selective Service Registration Card
5. Selective Service Verification Form (Form 3A) and/or
6. Stamped Post Office Receipt of Registration

III. Registration Requirements for Males Under 26

Prior to being enrolled in WIA-funded program, all males born on or after January 1, 1960 who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

Male participants who enter the WIA program at age 17 or younger and attain age 18 while participating in the program must be registered for Selective Service by the 30th day after their 18th birthday to remain eligible for WIA services. Funds expended on male participants not registered for Selective Service by the 30th day after their 18th birthday may be considered disallowed costs. Any male youth participant who attains age 18 while enrolled in WIA and refuses to comply with Selective Service Registration requirements shall be exited from the WIA youth program. These youth would not be placed in follow-up and there should be case notes that describe, in detail, the circumstances as to why services were not/could not be continued.

IV. Registration Requirements for Males 26 Years and Over

Before enrolling in WIA Title 1 – funded services, all males 26 years of age or older, must provide (1) documentation of compliance with the Selective Service registration requirement; (2) documentation showing they were not required to register; or (3) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

The grantee, subgrantee, or contractor that enrolls individuals in WIA funded activities may require that males 26 years and over, who failed to comply with Selective Service registration requirement, request a Status Information Letter (SIL) before making a determination that the failure to register was knowing and willful. Alternatively, an entity may initiate its process to determine if the failure to register was knowing and willful without first having the potential program participant request the Status Information Letter. The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

V. Requesting a Status Information Letter

An individual may obtain a SIL if he (1) believes he was not required to register; or (2) did register but cannot provide any of the documentation listed above. The Request for Status Information Letter form can be accessed at <http://www.sss.gov/PDFs/infoform.pdf>.

If the SIL indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services funded by WIA. If the SIL indicates that the individual was required to and did not register, he is presumed to be disqualified from participation until it can be determined that his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

VII. Determining Knowing and Willful Failure to Register

If the individual was required but failed to register as determined by the SIL or his own acknowledgment, he may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee, or contractor that enrolls individuals in WIA funded activities is responsible for evaluating the evidence presented and determining whether the failure was knowing and willful. Evidence presented may include the individual's written explanation and supporting documentation of the circumstances at the time of the required registration and the reasons for failure to register.

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

VIII. Georgia Immigration Law

Youth participants who are turning 18 must also comply with Georgia's Immigration Law that requires customer affidavits for eligibility to receive a public benefit.

If an applicant does not meet all the criteria as listed in this policy, but believes they should be provided with WIA funded services, please contact the GOWD at 404-463-5030 for technical assistance and approval. All sub-recipients of WIA funds made available by the GOWD must collect and maintain these records. Records will be reviewed for accuracy and completeness during on-site monitoring conducted by the GOWD. Failure to maintain these records could result in disallowed costs.

ADULT AND DISLOCATED WORKER ELIGIBILITY AND PRIORITY FOR SERVICES

I. General Eligibility Requirements

A. To receive Title I B Adult or Dislocated Worker **intensive** services, an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Meet Selective Service Registration requirements, if applicable; and

B. Additional Eligibility Requirements for Adults

1. Individuals must be 18 years of age or older and
2. Meet the priority for service definition for adults.

C. Additional Eligibility Required for Dislocated Workers

An individual must meet the WIA definition of a dislocated worker or displaced homemaker as found in the Glossary of Terms and Definitions.

II. Priority For Service (WIA Regulations 20 CFR Part 663.600)

Core Services are **not** subject to priority requirements. Core services are universally available to **all** individuals entering a one-stop system facility.

The State Workforce Investment Board established the policy that public assistance recipients and other individuals with low incomes would receive the highest priority for WIA services after all eligible veterans and eligible spouses of veterans have been considered for services. Covered persons (veterans and eligible spouses) are identified at the initial point of contact within the One-Stop offices so that priority of service can be provided to veterans for the delivery of employment, training, job placement and related services as stated in the Jobs for Veterans Act (P.L. 107-288).

After all eligible veterans and their spouses have received priority of service, priority for intensive and training services must be given to recipients of public assistance and other low-income individuals. Low income status proof may be in the form of a letter from the Department of Family and Children Services (DFACS).

After these low-income considerations, Georgia has established the following guidelines to assist Local Boards in this task:

- Where training funds are limited, local areas may choose to prioritize services for individuals. Policies at the local level may give priority to individuals with one or more characteristics of special target populations. Some examples of these characteristics are: unemployed, lacks a high school diploma or GED, poor work history, offender, limited English-speaking, poor basic skills, TANF or Food Stamp recipient, underemployed or other factors most relevant to the community.
- Local areas will identify and prioritize training in occupations in demand in the local labor market. An occupation in demand may include a job where there is limited demand, but an individual has a bona fide job offer contingent upon completion of training.
- Training funds should generally be used to build on existing skills first. If an individual may be trained for a quality job more quickly and economically by building on existing skills, that may take precedence over training the individual for an entirely new occupation. The customer's interests, the demands of the labor market, and limited funds must be taken into consideration.

YOUTH

I. General Requirements

In order to be considered for the WIA Title IB youth program an individual must:

1. Be a U.S. Citizen or Registered Alien;
2. Be between the ages of 14 and 21 at the time of enrollment; and
3. Meet Selective Service Registration requirements. **Note:** Youth who become of age for Selective Service registration after enrollment must meet Selective Service requirements by their 18th birthday.

II. Eligibility Requirements

WIA Section 101(13)(25) defines an eligible youth as an individual who:

- A. Is not less than 14 and not more than 21 at time of enrollment;
- B. Is a low income individual (as defined in the Glossary of Terms and Definitions); and
- C. Is within one or more of the following categories;
 1. Deficient in basic literacy skills;
 2. School dropout
 3. Homeless, runaway, or foster child;
 4. Pregnant or parenting;
 5. Offender;
 6. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.

III. Funding Requirements

- A. The purpose of Title IB youth funds is to provide to eligible youth:
 1. Assistance in achieving academic and employment success by providing effective and comprehensive activities which will improve educational and skill competencies and enhance connections to employers;
 2. Ongoing mentoring opportunities for eligible youth with adults committed to providing such opportunities;
 3. Training services, support services, and incentives for recognition and achievement; and
 4. Opportunities for activities related to leadership development, decision-making, citizenship, and community service.

WIA Section 129

- B. Serving Out-of-School Youth

At a minimum, **30 percent** of WIA funds allocated to youth programs must be used to provide activities to out-of-school youth. An Out-of-School youth is defined as:

1. an eligible youth who is a school dropout; or
2. an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed.

WIA Section 101(33)

A youth who is out of school at the time of registration and subsequently placed in a school setting may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement in WIA Regulations 20 CFR Part 664.310.

The Workforce Investment Act Section 101(39) defines a *school dropout* as an individual who is no longer “attending any school” and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school at the time of registration is **not** a dropout.

IV. Five-Percent (5%) Window Eligibility

Up to five-percent of youth served by youth programs may be participants who are not economically disadvantaged **provided** they meet the selective service requirements and

are in one or more of the following categories:

1. School dropout
2. Deficient in basic literacy skills (reading or writing skills below a 8th grade level in a generally accepted standardized test or a criterion referenced test;
3. Are one or more grade levels below the grade level appropriate to the individual's age;
4. Homeless or runaway;
5. Pregnant or parenting;
6. Possess one or more disabilities, including learning disabilities;
7. Offender; or
8. Is an individual who faces serious barriers to employment as defined by the local board.

WIA Regulations 20 CFR Part 664.220

NOTE: The 5% of youth is per area and not each youth provider.

Refer to the Five Percent Eligibility Table in this section for definitions.

VI. Youth Eligibility Table

Selective Service Registration (Males Only)	Definition
Applies to all male applicants 18 and older. Youth turning 18 after registration must meet the selective service requirements by their 18 th birthday.	See Section 3.3.6.4 Selective Service
General Eligibility Item (All Apply)	Definition
Citizenship or Eligible to Work	An individual who is a US citizen or is a legal alien authorized to work in the US.
Age	An individual who is between the ages of 14 and 21 at time of enrollment.
<p>Low-Income</p> <p>Note: If not income eligible, participant may be enrolled under the five percent window provided the enrollment will not exceed the five percent limit for the area. Refer to the Five Percent Table</p> <p>Low income status can be proven with a letter from DFACS</p>	<p>An individual who</p> <ul style="list-style-type: none"> (a) receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program; (b) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, cash public assistance, and old-age and survivors insurance benefits under the Social Security Act that, in relation to family size, does not exceed the higher of (I) the poverty line, for an equivalent period; or (II) 70 percent of the lower living standard income level, for an equivalent period (<i>see Section 3.3.6.3 Income/Family Size Determination for guidance on how low-income status is determined</i>); (c) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977; (d) qualifies as a homeless individual as defined by the Steward B. McKinney Homeless Assistance Act; (e) is a foster child on behalf of whom State or local government payments are made; or (f) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (a) or (b), but who is a member of a family whose income does not meet such requirements. (<i>WIA Section 101(25)</i>)

VII. Five Percent Eligibility Table

5% Window Eligibility	Definition
	At least one must be documented
Youth with One or More Disabilities, Including Learning Disabilities	An individual who has a physical or mental disability or impairment that for such individual constitutes or results in a substantial handicap to employment.
One or More Grade Levels Below the Grade Level Appropriate to the Individual's Age	Grade Level--appropriate for age means the grade level in school that ordinarily matches with a certain age level.

INDIVIDUAL EMPLOYMENT PLAN (IEP)

An Individual Employment Plan (IEP) is required for Adult and Dislocated Worker participants in WIA Title IB Intensive and Training services. It is both a form **and** a continual process. The IEP is developed in partnership with the participant. The IEP identifies where the participant is, where the participant wants to be and the appropriate mix and sequence of services and support to reach a realistic employment goal.

- I. Initially the IEP shall be the basic instrument, which documents:
 - A. That participants have had an initial assessment;
 - B. The decisions made regarding the mix and combination of services for the participant, including referrals; and
 - C. Quarterly reviews to evaluate the progress of the participant in meeting planned objectives.
- II. The IEP form shall include a description of:
 - A. Short and long term goal(s) and objectives;
 - B. Appropriate, measurable achievement objectives to meet those goals;
 - C. Mix and sequence of services and other resources needed
 - D. Organizations and/or individuals who will provide those services or resources; and
 - E. **The twelve-months (12) of supplemental follow-up contact with participants who have exited to unsubsidized employment for performance purposes; and 12 twelve months of follow-up services which may be provided to participants who have entered unsubsidized employment to help them with employment retention, wage gains and their career progress. (The extent of the follow-up services provided may be based on the availability of funding)**

A signed copy (signed by program staff and participant) must be provided to the participant and the original maintained in the participant's file.

Once the IEP form is complete and the participant is enrolled in a WIA or state program, case managers must open up a GWS file for that participant. The goals, objectives and potential services based on the information in the IEP should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the IEP. The Employment Plan should be reviewed regularly and updated quarterly as documented in case or progress notes. **Follow-up services must be opened on the current Employment Plan for all adults who have exited to unsubsidized employment. Case managers should not open a separate Employment Plan for Follow-up.**

Although currently, each local area in Georgia uses a unique IEP and ISS, it is the advice of the State Workforce Investment Board (SWIB) that a standard IEP and ISS should be used statewide in Georgia. Creation of the policy, required forms and staff training would need to be outlined and implemented prior to release of a standard, statewide IEP and ISS.

INDIVIDUAL SERVICE STRATEGY (ISS)

I. Description

An ISS is required for all WIA Title IB youth participants. The ISS is developed in partnership with the participant. It identifies where the participant is, where the participant wants to be, and the appropriate mix and sequence of services and support to reach realistic goals. It is both a form **and** a continual process.

A. The ISS form shall be the basic instrument, which documents:

1. Objective assessment results;
2. Program/employment/career goals, timeline for attainment, expected wage at placement;
3. Mix and sequence of services, including supportive services, and other resources needed to achieve program/employment/career goals; components of this section include:
4. Short and long-term objectives;
5. WIA program element(s) provided to assist the youth in achieving short and long-term objectives;
6. Timeline for attainment and date attained;
7. How the program element is being provided, i.e., in-house or through a referral with a specific agency or service listed; and
8. Discussion of follow-up services that will track the progress of youth after exit from the program; and based on the youth's needs, provided assistance to help the youth secure better jobs, career development and further education.

The ISS should be reviewed at least quarterly and updated as needed.

The Participant Agreement, page 3 of the ISS, must be signed and dated by program staff and the participant. A signed copy of the Participant Agreement must be provided to the participant and the original attached to the ISS and maintained in the participant's file.

Once the ISS is complete and the participant is enrolled in a WIA program, case managers must open up an Employment Plan for that participant. The goals, objectives and potential services based on the information in the ISS should be set up in the Employment Plan and from that point on case managers will use the Employment Plan as a continuance of the ISS. The Employment Plan should be reviewed regularly and updated quarterly.

II. Objective Assessment

Service providers are required to provide an objective assessment of the academic levels, skill levels and service needs of each participant, which shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant. (WIA Section 129 (C)(1)(a) and 20 CFR 664.400(a)(1)) Participants concurrently registered in Youth, Adult and Dislocated Worker Programs will require both an ISS and an IEP.

III. Other Assessments

Service providers have the flexibility to determine the methods used to meet the objective assessment requirements. The methods used include, but are not limited to, structured interviews, paper and pencil tests, performance tests, behavioral observations, interest and attitude inventories, career guidance instruments, personality profiles and aptitude tests. All assessment results should be considered when developing the Individual Service Strategy. Assessment results shall be maintained in each participants file and include the participant's name and the date the assessment was conducted.

SERVICES AND ACTIVITIES FOR WIA

The Workforce Investment Act provides for three levels of services for adults and dislocated workers; core, intensive and training, with service at one level being a prerequisite to moving to the next level.

I. Adults and Dislocated Workers

A. Core Services

Core services are universally available to everyone entering the facility. Other partner sites need only provide the core services appropriate to their participants and funding source.

Pre-registration Services include all core self-help services and core services requiring minimal staff assistance including:

1. Determinations of eligibility to receive assistance under WIA Title I;
2. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system

All individuals entering or re-entering services are to be oriented to the program. Required information for the orientation is the participant's rights and procedures for filing grievances and claims of discrimination. Additional topics for orientation may include:

- An introduction to the program -- purpose and goals;
- Rules and regulations of the program;
- Provider responsibilities;
- Participant responsibilities;
- Program resources and supportive services available;
- Job-related injury procedures; and
- Wage and pay information.

While participants who have previously been enrolled in the program may not need an extensive orientation, they still need to be oriented briefly on all areas and especially on any program changes.

Orientation must include information and documented acknowledgement of procedures for complaints, grievances, and discriminatory practices. Documentation that the applicants/participants have received information regarding the above-mentioned procedures is the completed two-part "Equal Opportunity is the Law" participant discrimination form. One copy of this document must be maintained in the participant file and one must be provided to the applicant/participant.

3. Initial assessment of skill levels, aptitudes, abilities, and supportive service needs;
4. Job search and placement assistance, and where appropriate, career counseling;
5. Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas. Labor Market Information (LMI) must be provided to participants in every program. LMI generally encompasses four major areas:
 - a. National and state of Georgia job trends, including supply and demand.
 - b. Local job opportunities.
 - c. Education and skill requirements for jobs.
 - d. Job seeking skills (writing resumes, job interview techniques, etc.).

LMI can be obtained from the Georgia Department of Labor at

http://www.dol.state.ga.us/em/get_labor_market_information.htm.

6. Provision of performance information and program cost information on eligible providers of training services:
 - Youth Activities
 - Adult education
 - Providers of post-secondary vocational education
Vocational education activities available to school dropouts under the Carl Perkins Act and Applied Technology Education Act; and
 - Vocational Rehabilitation program activities.
7. Provision of information regarding how the local area is performing on local performance measures and any additional performance information with respect to the one-stop delivery system in the local area;
8. Provision of accurate information relating to the availability of supportive services, including child care and transportation available in the local area, and referral to such services, as appropriate;
9. Provision of information regarding filing claims for unemployment compensation;
10. Assistance in establishing eligibility for:
 - a. Welfare-to-work activities available in the local area; and
 - b. Programs of financial aid assistance for training and education programs that are not funded under WIA and are available in the local area;
 - c. Computer Resources, Resource Room, and Open Workshops that are available;
11. Provide information on follow-up services that may be available to participants, as appropriate, including counseling regarding the workplace for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Rapid Response – may only be used by Job Service Workforce Center staff or agency that receives Rapid Response funds.

B. One-Stop Services

Moving from Core to Intensive Services

In order for an adult to move from core services to intensive services, individuals must receive at a minimum:

- Eligibility determination; and
- An initial assessment indicating **a further (comprehensive) assessment is required to determine** intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

In order for a dislocated worker to move from core services to intensive services individuals must receive, at a minimum:

- Eligibility Determination; or
- Rapid Response activities or an initial assessment by a service provider indicating that intensive services are necessary for the individual to obtain or retain employment leading to self-sufficiency.

C. Intensive Services

Priority Groups

Intensive services are available to adults and dislocated workers who are members of a priority group and;

- are unemployed and are unable to obtain employment through core services provided; and
- have been determined by a one-stop operator to be in need of more intensive services in order to obtain employment; or
- are employed, but have been determined to be in need of intensive services in order to obtain or retain employment that leads to self-sufficiency.

Types of Intensive services include:

1. Comprehensive and specialized assessments of the skill levels and service needs which may include:
 - (a) Diagnostic testing and use of other assessment tools; and
 - (b) In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
2. Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
3. Group counseling;
4. Individual counseling and career planning;
5. Case management for participants seeking training services;
6. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
7. Work Experience/Internships;
8. Adult Basic Education/Literacy Services.

Moving from Intensive to Training Services

To move from intensive services to training services there must be significant Development of the IEP that indicates training is necessary for the individual to obtain or retain employment leading to self-sufficiency.

The individuals must receive, at a minimum:

1. an established IEP as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

D. Training Services

Training services means any WIA-funded and non-WIA funded training service.

Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to adults and dislocated workers:
 - a. Who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment through such services;
 - b. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
 - c. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
 - d. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
 - e. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; **and** who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the tuition portion of the training costs from the PELL Grant. **20 CFR Part II. Summary & Explanation pp. 49328 & 49329.** [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services shall be provided through providers listed on the Eligible Provider List (EPL) unless noted otherwise in the following list of training services. Out-of-state and on-line training provider programs must be on their state's EPL; and, if not on that state's list, the service provider must determine why not. If the provider has been determined not eligible by another state, then they cannot be added to Georgia's EPL, and cannot be used as a training provider. If there is another reason they are not on their state's list (i.e. an overly cumbersome application process, etc.) then, they can be added to Georgia's EPL through normal application process. EPL printout shall be documented in the participant's file. Through GOWD, the Eligible Provider List is hosted by Georgia State University and is accessible at <http://www.gcic.edu.gawia/>.

2. Training services may include:
 - a. Occupational skills training, including training for nontraditional employment and for training programs operated by the private sector; **(requires ETP approval)**
 - b. On-the-job training; **(does not require ETP approval)**
 - c. Programs that combine workplace training with related instruction, which may include cooperative education programs; **(requires ETP approval)**
 - d. Training programs operated by the private sector; **(requires ETP approval)**
 - e. Skill upgrading and retraining; **(requires ETP approval)**
 - f. Entrepreneurial training; **(requires ETP approval)**
 - g. Job readiness training; **(does not require ETP approval)**
 - h. Adult education and literacy activities provided in combination with services described in any of clauses (i) through (vii) of WIA Section 134 (d)(4); **(does not require ETP approval)**
 - i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training. **(does not require ETP approval)**
 - j. Short-term pre-vocational training of approximately one week (40 hours) or less which does not provide certification or a credential upon completion. **(does not require ETP approval)**
3. Training Payments

The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

II. Youth

A. Youth Activities

Pursuant to WIA Section 129(a) the intent of youth activities is:

1. To provide eligible youth seeking assistance in achieving academic and employment

success, effective and comprehensive activities that include a variety of options for improving educational and skill competencies and provide effective connections to employers. A Youth Services Statewide Provider List is in development and will be available at <http://www.gcic.edu.gawia/> in Q3 of calendar year 2012.

2. To ensure on-going mentoring opportunities for youth with adults committed to providing such activities;
3. To provide opportunities for training;
4. To provide continued support services;
5. To provide incentives for recognition and achievement; and
6. To provide opportunities in activities related to leadership, development, decision-making, citizenship and community service.

B. Youth Required Components

The following program ten elements must be available to youth participants. Local Workforce Areas have the discretion of what specific services are provided to a youth, based on the individual's Objective Assessment and Individual Service Strategy (ISS).

1. Tutoring, study skills training and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings;
3. Summer employment opportunities directly linked to academic and occupational learning;
4. Paid and unpaid work experiences, including internships and job shadowing;
5. Occupational skill training;
6. Leadership development opportunities, which may include such activities as positive social behavior and soft skills, decision making, team work and other activities;
7. Supportive services;
8. Adult mentoring for the duration of at least twelve (12) months, which may occur both during and after program participation;
9. Follow-up services;
10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.

C. Youth Goals and Training Services

Youth services are provided in conjunction with skill goals that may include any of the following services:

1. Basic Skills Goal
2. Occupational Skills Goal
3. Work Readiness Skills Goal
4. On-the Job Training
5. Customized Training
6. Work Experience
7. GED Prep (Applies to youth 16 years and older)

- D.** Waiver approval from USDOL allows youth service providers to use WIA youth funds to purchase an ITA for youth in order for a youth to receive occupational skills training. There must be significant development of the ISS that indicates training is necessary for the youth to obtain or retain employment leading to self-sufficiency.

Youth service providers may determine whether or not to fund Occupational Skills Training for youth based on the availability of WIA youth funding.

In order to receive Occupational Skills Training services the youth must receive, at a minimum:

1. a completed ISS as described above; and
2. a comprehensive and specialized assessment of skill levels and service needs; or
3. group and/or individual employment counseling; or
4. case management and career planning.

E. Training Services

Training services means any WIA-funded and non-WIA funded training service. Individuals with other employment issues shall be afforded opportunities for participation in training activities designed to improve participation in the workforce and lead to higher earnings for individuals who successfully complete them. Training activities for persons in these groups will be provided in the context of the state's vision to provide universal access for all customers.

1. Training Services may be provided to youth:
 - a. Who after an interview, evaluation, or assessment, and case management, have been determined to be in need of training services and to have the skills and qualifications to participate successfully in the selected program of training services;
 - b. Who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which individuals receiving such services are willing to relocate; and
 - e. Who are unable to obtain other grant assistance for such services, including Federal Pell Grants; or
 - f. Require assistance beyond that made available under other grant assistance programs, including Federal Pell Grants; and who are determined to be eligible in accordance with the priority for services criteria and the service provider's determination of funds available to provide the service.

Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, the training provider must reimburse the service provider the WIA funds used to pay the tuition portion of the training costs from the PELL Grant. 20 CFR Part II. Summary & Explanation pp. 49328 & 49329. [Tuition is the sum charged for instruction. Fees, books, supplies and other training related expenses are not considered tuition.]

Training services may only be secured using providers listed on the GOWD Eligible Provider List (EPL) unless noted otherwise.

Refer to the process for determining the possibility of using out-of-state and on-line training provider programs as described in the Adult and Dislocated Worker section above.

2. Training services – Refer to the list of training services and which services require an Eligible Provider in the adult and dislocated worker above.
3. Training Payments
Youth service providers must first confirm that the training provider is on the Eligible Provider List following the process describe above; and second, establish an ITA for the youth participant following the process described in the Individual Training Accounts section of this document. The service provider must verify and pay tuition and other training costs in accordance with the training provider's documented payment policy or terms. WIA funding may be used for any expenses considered to be part of the Cost of Attendance that cannot be met from the PELL or other grant assistance. In situations of co-enrollment with other WIA or non-WIA programs (TAA, WIRED, etc.), the case manager will coordinate with the training provider and other program(s) to ensure the participant's training needs are met and there is no duplication of services. WIA funding shall always be a supplement to other grant assistance.

INDIVIDUAL TRAINING ACCOUNTS (ITA)

I. Description

Individual Training Accounts are established on behalf of the participant. WIA Title IB Adult, Dislocated Worker and youth participants will use ITAs to purchase training services from eligible providers they select in consultation with the case manager, counselor or coordinator.

Individual Training Account services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for Intensive services, and have been determined to be unable to obtain or retain employment leading to self-sufficiency through such services.

The participant must have a completed IEP that indicates, through interview, evaluation or assessment, the participant's employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals have been identified.

Selection of a training program must include the identification that the training is directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate. In determining local demand occupation(s), providers may allow for training in occupations that may have high potential for sustained demand or growth in the local area.

II. Limitations

ITAs are limited to participants who (WIA Section 134 (d)(4)(B); 663.320):

- A. Are unable to obtain grant assistance from other sources (including Federal Pell and other federal grants) to pay the cost of their training; or
- B. Require assistance beyond that available under grant assistance from other sources (including Federal Pell, GI Bill and other federal grants) to pay the cost of their training.
- C. Service providers and training providers must coordinate funds available and make funding arrangements with partner agencies so that WIA ITA funds supplement Pell and other grant sources to pay for the cost of training (see D. re: Cost of Attendance).
- D. Participants may enroll in ITA funded training while their application for a Pell Grant is pending provided that the service provider has made arrangements with the training provider and the participant regarding the allocation of the Pell Grant, if it is subsequently awarded. If a Pell Grant is awarded, the training provider must reimburse the service provider the ITA funds used to underwrite the **tuition** portion of the training costs from the PELL Grant.
- E. Program operators should consider all available sources of funds, excluding loans, in determining an individual's overall need for WIA funds. Resources such as PELL, GI Bill and other federal grants should not be included in calculations of the level of WIA assistance until the grant has been awarded.

20 CFR 652 et al. Part II. Summary & Explanation pp. 49328 & 49329. [Note: Tuition is the sum charged for instruction and does not include fees, books, supplies, equipment and other training related expenses]. Reimbursement is not required from the portion of Pell Grant assistance disbursed to the participant for education-related expense.

WIA Section 134(d)(4)(B)

III. Duration, Cost Limits and Availability

- A. Currently, there is no monetary limit or cap on ITAs. Local WIBs set policies on funding limits per customer for ITAs and the maximum duration of training. Customers may select training that costs more than the maximum ITA level when other sources of funding are available to supplement the ITA (e.g., HOPE, Pell grants, and scholarships). The state encourages WIBs within a region to work together in establishing their policies so that customers of contiguous areas have the same benefits available to them.
- B. ITAs are awarded per semester, quarter or for uninterrupted training coursework. Second and

subsequent ITAs will be awarded only for continuing classes in the educational or training institution initially attended, unless there is mutual and justifiable agreement between the service provider and the participant that another training institution or training program is necessary.

- C. An individual who has been determined eligible for an ITA may select a training institution/program from the Georgia Eligible Provider List (EPL) or from another state, provided that the training institution/program is listed on that state's Eligibles Provider List, after consultation with a case manager, counselor or coordinator. Unless the program has exhausted funds for the program year, the service provider must refer the individual to the selected training institution/program, and establish an ITA for the individual to pay for training. **20 CFR Part 663.420(c)**
- D. Payments may not be made to a training provider until the service provider ensures that the training provider selected is on the Eligible Provider list at time of payment for tuition and fees under WIA ITAs.

IV. Payment system

Individual Training Accounts are designed to identify WIA funded costs associated with the training cost of attendance. The cost of attendance may include tuition, fees, room and board, books, supplies, and tools (if required for the training course). The ITA identifies the WIA obligation for the participant and the participant will be able to access information about the account from the service provider. Each service provider is responsible for maintaining an ITA payment system which ensures that payments made to eligible providers are timely, for the agreed upon amount, ensuring that the provider is on the EPL at time of payment and that the payments are supported by appropriate documentation. [Note: cost of attendance may also include other expenses that are not incurred through the training provider such as child care, transportation, rent and other living expenses. WIA funds may be used to assist with such expenses and are considered supportive services. These expenses require proof of expenditure in the participants file.]

Financial responsibility for ITAs remains with the local workforce area who developed the ITA, in consultation with the participant, throughout the period of training, regardless of the location of the training provider. The financial responsibility of the local workforce area also extends to supportive services.

V. Documentation

Contact between the case manager, counselor or coordinator and the participant must occur, at a minimum, at the end of each quarter, semester or uninterrupted training course during the lifetime of the training plan. Contact may be made by telephone, through the mail, personal contact or other appropriate means to provide documentation of successful progress.

Documents such as attendance records, grade reports, and statements from the instructing agency, are required as proof of participation. Documentation of status of the provider, either Georgia's EPL or another state's list, must be maintained in the participant's file.

ON-THE-JOB TRAINING (OJT)

I. Description

OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that provides knowledge or skills essential to the full and adequate performance of the job.

OJT is an important training services activity whereby employers provide necessary equipment and training for jobs by means of a "hire first, train later" strategy. WIA participants who successfully complete the OJT period are subsequently retained in permanent employment. The OJT should to be used for occupations in higher skills categories. It is not subsidized employment of low-skill occupations, which require very little training time. OJT is only appropriate for the length of time necessary to be trained in the specific occupation.

Personnel involved in the decision making process to place an eligible participant into an OJT must document the decision in the participant's Individual Employment Plan or Individual Service Strategy. The decision should demonstrate that the training chosen is appropriate, that the training is necessary, that the participant does not already possess the skills, or that the individual needs to upgrade their skills to move to a new job.

II. Eligibility

OJT contracts may be written for eligible employed workers when:

- A. The employee is not earning a self-sufficient wage as determined by policy;
- B. The requirements in WIA regulations section 663.700 that (a) contracts may not be made with an employer that exhibits a pattern of failure to provide participants long-term employment as well as wages and benefits; and the contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is provided; and
- C. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the Local Board.

III. Reimbursement and Contract Requirements

Reimbursements under OJT contracts are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of the participants. Reimbursement under OJT contracts shall be up to 50 percent of the wage rate paid to the participant by the employer. WIA 101(31) (B)

A. Contractor Eligibility

1. OJT assistance will be available only in industries providing job continuity or security;
2. Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance;
3. Any firm, employer or industry who has received payments under previous contracts and has exhibited a pattern of failure to provide OJT participants continued, long-term employment as regular employees with wages and working conditions at the same level and to the same extent as similarly situated employees are ineligible to enter into further WIA OJT contracts. (See Glossary for definition of "Pattern of OJT Contract Failure") WIA Sec. 195(4);
4. Relocation
 - a. No funds provided under the Act shall be used, or proposed for use, to encourage or to induce the relocation of an establishment, or part thereof, that results in the loss of employment for any employee or such establishment at the original location.
 - b. For 120 days after the commencement or the expansion of commercial operations of a relocating establishment, no funds provided under this Act shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any relocating establishment or part thereof at a new, or expanded location, if the relocation of such establishment or part thereof results in a loss of employment for any employee of such establishment at the original location.
 - c. For the purposes of this section, relocating establishment means a business entity, including a successor-in-interest, which is moving any operations from a facility in one

labor market area within the United States and its territories to a new or expanding facility in another labor market area. For the purposes of this section, a labor market area is an area within which individuals can readily change employment without changing their place of residence.

WIA Sec. 181 (d); 20 CFR Parts 667.268

- d. Pre-award review. To verify that an establishment is expanding or not relocating employment from another area, the program operator shall conduct a pre-award review to ensure that the company has not relocated and the relocation resulted in layoffs or displacement of workers of such business at the original location and such original location is within the United States.
 5. Prevailing Standards - occupations must meet prevailing standards with respect to wages, hours and conditions of employment;
 6. Reimbursements - WIA funds shall not be provided to reimburse OJT training costs when the participant was referred and hired through a private employment agency and was required to pay a referral and placement fee;
 7. Training Contracts may be with the private or public sector.
 - B. Contract Period
OJT contracts should be written for a period of time that takes into account actual training time plus additional time to anticipate unexpected time away from training by the participant. This process should ensure that end date of the contract is sufficiently into the future so as not to require a contract modification to extend the end date. (NOTE: This is the contract period, not the training time.)
 - C. Length of Training
OJT training authorized for a participant shall be limited to a period not in excess of that generally required for the acquisition of skills needed for the particular occupation.
 - D. Employee/Trainee Wages
The minimum starting rate of OJT employees shall be the greater of:
 1. Applicable federal and state minimum wage; or
 2. At the same rates as trainees or employees similarly situated in similar occupations by the same employer, and who have similar training, experience and skills, whichever is higher.
- WIA Sec. 181 (a) (1) (A)**
- Note: WIA funds shall not be used for overtime wages, holidays, sick leave, or vacations.
- E. Concurrence
Upon entering into the development of an OJT contract, the service provider through informal consultation with the appropriate labor organization will determine if there is a collective bargaining agreement between the employer and the employees or their representatives. Written concurrence from the appropriate labor organizations is required for all positions involving collective bargaining agreements.
- F. Contract Assembly
An OJT contract contains the following:
 1. OJT Pre-Award Review
 2. Concurrence
 3. On-the-Job Training Contract
 4. Special Terms and Provisions/Assurances and Certifications
 5. OJT Training Summary
- G. Referral and Hire
 1. No participant will be started in a proposed OJT slot until a contract has been negotiated and signed.
 2. After negotiation of the OJT contract referral of eligible trainees may begin.
 3. A copy of the OJT Contract is to be given to the employer. The provider will maintain the original contract.
- IV. OJT Contract Modification
Contract modifications must be done through the Governor's Office of Workforce Development.
- V. Time Limitations
No person may participate in OJT in excess of the time generally required for acquisition of skills needed for the position within a particular occupation. The Occupational Information Network (O*NET) codes give direction for determining the appropriate training time.

CFR Section 663.700(c)

CUSTOMIZED TRAINING

I. Description

- A. Customized Skills Training is designed to meet the special requirements of an employer a group of employers by allowing them to tailor and design work based skills training. Customized training is conducted with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual on successful completion of the training. **[Note: an incumbent worker must still meet the statutory definition of either adult or dislocated worker to receive customized training].**
- B. Employers may be reimbursed by the WIA program for **not more than** 50 percent of the costs incurred in providing the training including staff/instructor time or training materials.
- C. Customized Skills Training can be provided after a WIA participant is hired or if an employer makes a commitment to hire the participant upon successful completion of the training.

II. Requirements

Customized training may be provided for an employer or group of employers when:

- A. The employee is not earning a self-sufficient wage;
- B. The employer, or group of employers, have made the commitment to employ or continue to employ, an individual that has successfully completed the program; and
- C. The customized training relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes.

III. General Guidelines

- A. For each participant, the employer develops the training plan and measurable goals and determines the method by which the training is provided. Proficiency levels should be based on local business or industry skill standards.
- B. The training activity may take place at the worksite or in a classroom setting. The employer or an intermediary may provide the training.

IV. Documentation Requirements

- A. Employers **must complete** the Customized Skills Training Plan/Reimbursement Invoice. When completed, this form documents the training plan, skills attainment, costs incurred by employer, and amount of reimbursement. This form must be maintained in the participant's file.
- B. Individual Employment Plans shall be updated accordingly to reflect participation in customized skills training.

V. Time Limitations

Training should be for a specified length of time and may take place at the worksite or in a classroom.

ELIGIBLE TRAINING PROVIDERS

The Eligible Training Provider (ETP) process is defined in WIA Law, Section 122 and in WIA Regulations, 20 CFR Part 663, Subpart E. In accordance with WIA Law Section 122, an eligible training provider services must meet certain requirements in order to receive Workforce Investment Act funds. These requirements include submitting an application for the program in which the provider expects to provide training services. Information relating to program cost and program performance shall meet initial appropriate levels of performance. To continue receiving funds, the provider is required to submit subsequent performance and program cost information on an annual basis.

I. Process for Determining Initial Eligibility of Training Providers

WIA requires applications be first submitted to and evaluated by a Local Workforce Investment Board (LWIB) of their choice - they then recommend the program to GOWD for statewide review and approval. Applications need only be made with one LWIB for possible inclusion on the "statewide" eligible provider/program (EPL) list. Once approved on the statewide EPL, an approved program is available to all Georgia WIBs and cooperative states.

A generic application and instructions can be accessed on our Web site at:

<http://www.gcic.edu/gawia/>. This site also lists all currently approved programs. The Web site at http://www/pdf/wia/wia_administrators.pdf identifies the local WIBs with whom providers may apply. In most cases, providers are able to transmit the same to them electronically. Be advised that some local WIBs may request additional information of providers.

To streamline services, two metropolitan LWIBs (DeKalb County and Fulton County) have contracted with the Atlanta Regional Commission/Area 7 to handle the ITA Provider Application process. If applying there, providers may access their application format at:

<http://www.atlantaregional.com> [Choose "Workforce Solutions", then "Training & Youth Provider Resources", and "Training Providers" at the left hand menu].

A service provider will be considered out-of-compliance if they send a participant to a provider or training program that has not been approved.

An organization must not be favored for or denied recognition as an EP or other provider solely on account of religion.

II. Process for Determining Subsequent Eligibility of Training Providers

The WIA requires an annual re-determination of ITA program eligibility through a Subsequent Eligibility (SE) process. For a program to remain eligible to receive Individual Training Account funds for new enrollments after October 15th of each year, the State is required to compare program-level performance outcomes against established minimum standards.

Separate Subsequent Eligibility applications and instructions are forwarded to providers of currently approved Individual Training Account programs each August.

2011-2012 Subsequent Eligibility (SE) Standards

ALL STUDENTS - Past Performance Information From xx/xx Through xx/xx (The most recent 12 month period for which data is available, but start date of period cannot be earlier than April 1, 2009, and no later than June 30, 2009) [Must pass at least 2 of the 3 measures below]		
Measure	Minimum Performance Level	Definition
Unsubsidized Employment Rate	55%	Number and Percent of Completers exiting the program during the applicable period who obtained employment
Completion Rate	55%	Number and Percent of total students exiting or scheduled to exit the program during the applicable period who met the training program's completion requirements
Average Weekly Earning at Placement	\$254/wk	Average weekly earnings at placement of completers obtaining employment during the applicable period

WIA STUDENTS - Past Performance Information From xx/xx Through xx/xx (The most recent 12 month period for which data is available, but start date of period cannot be earlier than April 1, 2009, and no later than June 30, 2009) [Must pass at least 2 of the 4 measures below]		
Measure	Minimum Performance Level	Definition
Unsubsidized Employment Rate	60%	Number and Percent of WIA Completers exiting the program during the applicable period who obtained employment
Six Month Retention Rate of Completers in Employment	60%	Number and Percent of WIA Completers exiting the program during the applicable period who remained employed six months after training program completion
Average Weekly Earnings of Completers 6 Months After 1 st Day of Employment	\$254/wk	Average weekly earnings, six months after the first day of employment, of WIA completers
Diploma, Graduate, Certification, Licensure, etc. Rates	60%	Number and percent of WIA students exiting or scheduled to exit the training program during the applicable period who met the training program's completion requirements

Providers are asked to complete a Subsequent Eligibility application with attention given to each proposed program. These Subsequent Eligibility applications only address programs currently approved on the Eligible Provider List that are seeking re-approval. Providers of currently approved Individual Training Account programs interested in proposing new training programs should refer to the "initial eligibility" requirements described in this information guide.

If reapproved, a program's Subsequent Eligibility will extend through October 15th of each year

The GOWD is responsible for the development, operation and maintenance of the statewide Eligible Provider List. The Eligible Provider List contains specific consumer information for each eligible program. Providers may be removed under the following conditions:

- If inaccurate information regarding a program is intentionally supplied to the local Workforce Investment Board or GOWD, a termination of eligibility may occur. The termination will remain in effect for a minimum of one (1) year;
- If the local Workforce Investment Board or GOWD determines that an eligible provider has violated any requirements under the WIA, or other State or Federal laws, regulations or requirements, the provider must commence corrective action as deemed appropriate or risk program removal;

- If a provider does not respond to Subsequent Eligibility, the programs undergoing Subsequent Eligibility will be removed from the Eligible Provider List. If the provider wishes to have those programs reapproved in the future, they will need to reapply through a local Workforce Investment Board after a six-month period; or
- If a provider's program fails to meet or exceed minimum established local and State performance levels, the provider's eligibility to receive funds for that program may be suspended by the local Workforce Investment Board, or GOWD, as applicable, for a minimum of one (1) year.

Aggrieved providers will always have access to local and State appeals processes in such instances.

A. Training Provider Liability

If it is deemed by a Workforce Investment Board that training received by a WIA customer did not adhere to course information as marketed by the training provider and/or the performance data was overstated by the provider, consequences levied upon the training provider could include:

- additional training to the aggrieved customer at no cost; and/or
- refund to the fiscal agent of amounts paid; and/or
- debarment from the Eligible Provider List.

B. Non-ITA Activities Statewide

The GOWD is a close and vital partner to those entities who provide non-Individual Training Account activities to adults and youths. In fact, GOWD oversees the administration of WIA activities throughout the State. These activities are delivered through the 20 local Workforce Investment Boards across Georgia.

Each Workforce Investment Board receives federal funding through the GOWD and procures non-Individual Training Account service providers separately. Often, this procurement is required to be competitive, and the processes and timetables they utilize differ between Workforce Investment Boards. The best way to determine the specifics about each is to contact them directly.

When contacting local Workforce Investment Boards, prospective providers should establish they are interested in being placed on their local bidders list and would like to be notified of any WIA procurement actions.

C. Unemployment Insurance (UI) Wage File Verification

The Federal Workforce Investment Act (WIA) requires States to use student social security numbers and Unemployment Insurance Wage File matching data to verify employment and wage rate outcomes of all programs seeking subsequent (i.e., renewed) ITA eligibility.

GOWD hereby assures proposing training providers, the student social security numbers transmitted and resulting Unemployment Insurance Wage File matching data will:

- 1) Only be used to prepare aggregate program performance reports as required under section 122 of WIA
- 2) Not be disclosed in any personally identifiable form
- 3) Be safe guarded while the State is in possession of the same
- 4) And be destroyed when no longer needed for the purposes of complying with the WIA

Per the ITA Subsequent Eligibility application issued each year and in accordance with WIA requisites and GOWD assurance, training providers MUST report the social security numbers (no names), award level and award date of ALL (not just WIA-funded) student completers from the performance period reported for each proposed program of study.

Therefore, it is important that providers initiate a process to capture the above student data for ALL students once programs are initially approved, if subsequent eligibility is to be considered the following year. Please forward any Individual Training Account-related questions to GOWD's Compliance Department, Two Martin Luther King, Jr. Drive, 1408 West Tower, Atlanta, GA 30334 or via phone 404-463-5030.

WIA TRAINING PROVIDER APPEAL PROCESS

I. Appeal Procedures

The Workforce Investment Act requires the Governor to establish procedures for providers of training services to appeal a denial of eligibility or termination of eligibility.

20 CFR Part 667.640(b)

A. Basis for Appeal

Eligible providers of training services may file an appeal due to:

1. Denial by the designated State Agency under WIA Section 122 (b), (c), or (e);
2. Termination or eligibility or other action by the State Agency under WIA Section 122(f);
3. Denial of eligibility as a provider of on-the-job training or customized training by a One-Stop operator under WIA Section 122 (h).

B. Filing an Appeal

1. Timeline for Filing an Appeal

Appeals must be in writing and submitted within forty-five (45) days of being notified of a denial or termination to:

Ms. Cherry Peterson
State WIA Equal Opportunity Officer
Governor's Office of Workforce Development
Two Martin Luther King Jr., Drive S.W.
1104 West Tower
Atlanta, Georgia 30334

2. The appeal must be signed by an authorized individual from the training provider and should include:
 - a. Name of the training provider;
 - b. Address and phone number of the training provider
 - c. An explanation of why an appeal is being filed
3. The State WIA Equal Opportunity Officer will assist the training provider in filing a written appeal and advise the training provider of the opportunity that a hearing will be provided within thirty calendar days of the filing of the appeal. The Governor's Office of Workforce Development will provide an impartial hearings officer to conduct the hearing process.
 - a. Interested parties will be provided:
 1. Notice of hearing;
 2. The manner in which the hearing will be conducted;
 3. Written notice of the date, time, and place of hearing;
 4. An opportunity to present evidence;
 5. Written decision;
 - b. The training provider or respondent may with good cause, request a rescheduling of the hearings;
 - c. The training provider will have the burden of establishing the facts and the entitlement to the relief requested;
 - d. The training provider or respondent has the right to representation by an attorney or other representative.

C. State Level Review

The Executive Director of the Governor's Office of Workforce Development (GOWD) shall act as the Governor's authorized representative. The training provider will have 45 calendar days from the date of the local WIB decision on the appeal to request review by the Executive Director.

The request must identify the program which was denied and the reasoning for the appeal, and must include a copy of the local WIB's decision. Training providers entering an appeal at the state

level must be prepared to document a specific factor (e.g. conflict of interest, nepotism, procedural non-adherence, etc.) which put the aggrieved training provider at a competitive disadvantage.

The Executive Director will conduct a review of the complaint, schedule a hearing if the grievance factors so warrant and issue a decision within thirty (30) days from the date of receipt of the review request. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the grievance and prior to the rendering of a decision on the grievance.

If a hearing is warranted, the training provider will be notified of the date, time and place where the hearing will be conducted and a decision will be issued. The decision rendered by the Executive Director, as the Governor's authorized representative, will be final.

D. Denial of Training Programs by the Governor's Office of Workforce Development

Upon rejection of a local WIB-recommended training program by the Governor's Office of Workforce Development, the training provider will have 10 calendar days from the date of the GOWD's decision to request review by a hearing officer. All appeals must be forwarded in writing, to the following address: Georgia Commission on Equal Opportunity, 2 Martin Luther King, Jr. Dr., SE Suite 1002 - West Tower
Atlanta, GA 30334.

The request must identify the program which was denied and the reasoning for the appeal, and must include a copy of GOWD's decision. Training providers entering an appeal at the state level must be prepared to document a specific factor (e.g. conflict of interest, nepotism, procedural non-adherence, etc.) which put the aggrieved training provider at a competitive disadvantage.

After a written request for a formal hearing is received, the Executive Director will schedule a hearing if the grievance factors so warrant and the complainant(s) will be given written notice of the date, hour, place of the hearing, and of the manner in which the proceeding will be conducted and the issues to be decided upon, based on the complaint or grievance outlined in the written request. Hearing officers who are independent of the GOWD will be responsible for conducting the hearing. One member of the appeal committee may be a state WIB member.

Prior to the hearing, the complainant(s) will be given the opportunity to:

- 1) Withdraw the request for a hearing in writing
- 2) Request a re-scheduling of the hearing for good cause;
- 3) Bring witnesses and documentary evidence;
- 4) Have records and documents produced; and
- 5) Question any witness or party to the case

Hearings on any grievance filed shall be conducted within thirty (30) days of such filing. Decisions shall be made not later than sixty (60) days after the filing of a complaint. Attempts at informal resolution may proceed during the 30-day period between the filing and hearing of the grievance and prior to the rendering of a decision on the grievance. The decision rendered by the Executive Director, as the Governor's authorized representative, will be final.

E. Suspension and/or Termination of Currently Approved Training Program

Upon suspension and/or termination of a currently approved training program by the Governor's Office of Workforce Development for reasons as stated previously in this section, the training provider will have 30 calendar days in which to submit an appeal to the Governor's Office of Workforce Development. The appeal process will be the same as described in section "B" above.

CERTIFICATES AND CREDENTIALS

Within the context of workforce development generally, the term credential refers to an attestation of qualification or competence issues to an individual by a third party (such as an educational institution or an industry or occupational certifying organization) with the relevant authority or assumed competence to issue such a credential. ***This policy is in accordance with TEGL 15-10.***

Examples of credentials include:

- Educational Diplomas and Certificates (typically for one academic year or less of study);
- Educational Degrees;
- Registered Apprenticeship Certificates;
- Occupational Licenses (typically, but not always, awarded by state government agencies); and
- Other certificates of skills completion.

In TEGL 17-05, ETA has a definition of certificate which also served as the definition of a credential for performance reporting purposes. To bring ETA's terminology in line with the fields of education and industry, the term credential (and not certificate) will be used as the umbrella term which encompasses postsecondary degrees, diplomas, licenses, certificates and certifications. As such, for purposes of accounting for credential attainment within the workforce system, the following definition is a modification to update the "certificate" definition.

Credential means an award in recognition of an individual's attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are generally based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards are not included in this definition, nor are work readiness certificates because neither of them document "measurable technical or occupational skills necessary to gain employment or advance within an occupation."

A variety of different public and private entities issue credentials. Below is a list of types of organizations and institutions that award industry-recognized credentials:

- A state education agency, or a state agency responsible for administering vocational and technical education within a state;
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes technical colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs;
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, or a National Institute for Metalworking Skills, Inc., Machining Level 1 credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, or a Sun Certified Java Programmer) using a valid and reliable assessment of an individual's knowledge, skills and abilities;
- ETA's Office of Apprenticeship;
- A public regulatory agency, upon an individual's fulfillment of educational, work experience or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., Federal Aviation Administration aviation mechanic license, or a state-licensed asbestos inspector);
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons;
- Job Corps centers that issue certificates; and institutions of higher education that are

formally controlled, or have been formally sanctioned or chartered by, the governing body of an Indian tribe or tribes.

Diploma means any certificate that the state education agency accepts as equivalent to a high school diploma. This term also includes post-secondary degrees such as Associate (AA and AS) and Bachelor (BA and BS) degrees.

Education means participation in secondary school, post-secondary school, adult education programs, or any other organized program of study leading to a degree or certificate.

Employer endorsement means that employers within a particular industry or cluster of industries recognize the certificate and would not impose an employment barrier because the program was completed in another state or other regional location.

Post-secondary Education means a program at an accredited degree-granting institution that leads to an academic degree (i.e., AA, AS, BA or BS).

Resource: Certification Finder database www.careerinfonet.org/certifications_new/ is an online resource that may be helpful to service providers. This information is provided as a resource and is NOT an endorsement of the certifications listed on the site.

SUPPORTIVE SERVICES

I. Definition

Supportive Services are defined as services such as transportation, childcare, dependent care, housing and needs-related payments, that are necessary to enable an individual to participate in activities authorized under Title IB.

WIA Sec. 101(46)

II. Supportive Services

Supportive Services are services, which are reasonable and necessary to enable a WIA participant who cannot afford to pay for such services to participate in activities funded under WIA. **The provision of Supportive Services must be determined on an individual basis.** Limited Supportive Services may be provided to individuals receiving Core Services, however, such individuals must be registered as a WIA participant and are subject to performance outcomes.

All WIA participants are eligible to receive Supportive Services provided they meet all other criteria described in this Supportive Services policy. The funding for the Supportive Services is provided by the program(s) in which they are enrolled.

Supportive Services shall only be used to pay for specific necessary services and shall be limited to payments that are necessary for participation in the program. The individual determination of need and the amount of such assistance shall be based upon the results of the comprehensive assessment or objective assessment and similarly documented in the Individual Employment Plan (IEP) for adults/dislocated workers and the Individual Service Strategy (ISS) for youth. Documentation must be maintained in the participant's files. Source documentation includes but is not limited to actual utility bills and receipts for goods and services purchased. Accepting a participant's self-disclosure or declaration of expenses as documentation is not allowable. The provider is responsible for documenting in the IEP/ISS or case notes that the service is not available from any other source (including the participant's own resources).

A supportive service request form documenting the need for the supportive service must be completed prior to receipt of the supportive service. The supportive services request must include: (1) a brief description of the expenditure; (2) the amount requested; and (3) the signatures of both the case manager and participant and the date the request was signed.

All supportive services must have been approved prior to the participant receiving or obtaining the goods or services. Backdated requests for services will not be approved.

A participant may waive WIA payments (except for Work Experience) if accepting payment would mean the loss of the benefits. The participant may request the payment to start at a later date, but may not claim retroactive payments. Advances against future payments are not allowed.

To be eligible for any WIA financial assistance payments, a participant must have been determined WIA eligible and:

- A. Participating in core, intensive and training services. Limited supportive services may be provided to eligible applicants (e.g., paying for a birth certificate), before they are enrolled as participants, to permit participation in assessment activities;
- B. are unable to obtain supportive services through other programs providing such services; and
- C. must have complied with program regulations and policies during the period of training and/or enrollment.

Service providers should provide no further payments to participants that fail to participate

without good cause.

The use of supportive services is encouraged to enable the hard-to-serve population to participate in longer-term interventions. The provision of supportive services must be determined on an individual basis and require proof of expenditure in the participants file.

III. Supportive Services Paid Directly to Participants

Supportive service payments should only be paid to a vendor and not directly to a participant unless extenuating circumstances exist.

When an extenuating circumstance exists and a payment is made to a participant directly, there must be documentation in the file as to why the payment was made to the participant. Any single payments paid directly to a participant that are \$500 or more, must have prior approval through the waiver process. When the cumulative amount total will exceed \$500, the service provider must submit a waiver request to the appropriate program manager.

Waiver Requests of Direct Payments

Service providers must submit a written waiver request to the appropriate program manager. The written waiver request may be in the form of an e-mail. Any supportive services paid directly to participants that are under \$500 are to be tracked and maintained in the participant's file.

Supportive Services During Follow-Up

Supportive services may be paid during the individual's participation in WIA and while the participant is receiving follow-up services as appropriate. Needs-related payments may **NOT** be paid to a participant who is receiving follow-up services.

IV. Allowable supportive services include but are not limited to:

- A. Health Care and Medical Services – These services are of a one-time nature, such as a physical examination, prescription drugs, prescription eyeglasses, immediate dental care, and mental health care which are needed to enable an individual to participate in any reemployment activity.
- B. Childcare is a service provided to ensure proper care of children while the parent or guardian is participating in an employment and training program. The childcare cost may be reimbursed at the local documented rate. This rate should be reviewed on an annual basis. These limits apply on a per child basis. The childcare provider must be licensed or registered or documentation of adequacy of alternative childcare must be maintained in the participant's file.
- C. Transportation - Providing transportation for a participant enables him/her to get to and from WIA activities.
 1. Public and private transportation is payable if it will reasonably meet the participant's need not to exceed IRS rate.
 2. Inter-community Travel (Beginning and Ending Transportation where relocation to a training facility is involved). Participants will be paid a transportation allowance for the trip from his/her residence to the training facility at the beginning of training and on the return to his/her regular place of residence after completion of the scheduled training course. Participants cannot be reimbursed for travel to and from the training facility and their place of residence on the weekends or for breaks.

Exception:

Service providers should consider what is most economical in this situation. In other words, if it is more cost efficient for the participant to drive home than stay in the motel over the weekend or break then the service provider may reimburse the participant for the travel. Inter-community transportation will be at the cost of the most economical public transportation or, if the participant uses a private automobile, transportation will be paid at a rate not to exceed IRS rate for the highway mileage

shown on the State Highway Department map as the distance between the two points. Whenever possible, a participant receiving an inter-community transportation payment under this section is expected to relocate within a reasonable radius of the out-of-area training facility.

3. Auto repair payment will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities.
 - a. Auto repair shall not exceed the value of the automobile.
 - b. The vehicle being repaired must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. **Exceptions must be documented in the participant's file.**
 - c. A description of the repairs needed and provided must be maintained in the participant's file.
4. Automobile Insurance: Liability insurance coverage will be authorized only if the vehicle is needed for the participant to seek, accept or retain employment or to participate in employment and training activities. Liability insurance, as required by the state covers damage to property and persons after an accident happens. This coverage pays damages including punitive or exemplary damages, due to bodily injury and property damage to others for which you are responsible. If an individual faces a vehicle accident and are found to be at fault, their personal liability car insurance will cover all injuries incurred on the other party's belongings as well as bodily damages.
 - a. Automobile insurance may be covered **for a maximum of two quarters of annual liability coverage. No more than three months coverage may be paid for at one time.**
 - b. Liability coverage does not include optional coverage such as medical payment coverage, uninsured motor vehicle coverage, underinsured motor vehicle coverage, comprehensive coverage, collision coverage, emergency road service, membership fees to insurance companies.
 - c. The vehicle being insured must be under the ownership of the participant. This shall be documented by obtaining a copy of the vehicle registration. Exceptions may be made if the vehicle belongs to another family member and is the only means of transportation available to the participant. Exceptions must be documented in the participant's file.
 - d. Insurance documentation must include a detailed description of liability coverage and be maintained in the participant's file.

D. Legal Services

Cost for legal services may be covered when the law, courts and related situations interfere with the participant's ability to continue training or seek employment.

E. Tools

Tools may be purchased for participants, if the tools are required to continue a training program or obtain employment. The service provider must determine that the tools are required and that they cannot be provided by any other source such as the prospective employer, or the participant.

Tools become the property of the participant upon satisfactory completion of the WIA training as outlined in the participant's IEP or upon employment. If the participant fails to complete the prescribed WIA training, the tools remain the property of WIA **and are to be returned to the service provider***. An agreement attesting to the above must be signed by the participant and maintained in the participant file.

***Note:** There may be some exceptions to the requirement to have the participant return tools. Program operators should contact the Local Workforce Areas for guidance.

Computer Purchases: In limited cases, the purchase of a computer may be approved as a required tool. This is most typically, but not exclusively, in distance learning situations. Per guidance from USDOL, case managers **must** request approval from their program manager prior to a computer purchase to ensure it meets the requirements. **Factors that will be taken into consideration prior to computer purchase approval include but are not limited to: does the training program include distance learning and to what degree; does the participant have reasonable computer access through another source such as a computer lab on campus or at a public library; does the participant have a lengthy commute to obtain computer access. Providers requesting a computer purchase approval can include justification addressing these factors in an e-mail or submit a request completed by the participant.**

Tool/Computer Return: Service providers are to maintain an inventory list of all returned tools/computers. The inventory list must include the month/year the item was purchased, a description of the item, the general condition of the item; the month/year the item is removed from inventory and the status of the item's disposal.

Disposal of Inventory: Providers should retain returned inventory for a reasonable period of time based on the condition and usefulness of the item. If an item has been kept in inventory for a reasonable period and has not been able to pass on to another program participant, then the item can be donated to a non-profit organization. Inventory items cannot be passed on to staff of the service provider or to any individual where a conflict of interest might be perceived.

G. Housing for Youth Services

Housing assistance includes supportive service payments for rent. When supportive service funds are used to pay this expense, documentation must be in the participant's file that verifies the address and rental amount. Documentation may be a signed copy of the rental or lease agreement or when there is no rental or lease agreement between the participant and the landlord, service providers may use a signed Verification of Rent form that lists the rent amount, period of time, address, landlord's federal ID# or social security number.

Documentation must be in the participant's file. Rent receipts shall be maintained in the participant's file with other lease or rental documentation.

The provider shall pay the landlord directly, unless extenuating circumstances exist which requires the provider to reimburse the participant directly. Documentation of extenuating circumstances shall be maintained in the participant's file.

H. Out-of-Area Job Search and Relocation Assistance

Out-of-Area Job Search: A participant may be provided assistance with travel related costs for out-of-area job search such as mileage, plane ticket, per diem and lodging. Prior to approval, the participant must be able to provide documentation of at least one interview for an existing opening that fits with the participant's employment plan. Out-of-area is defined as outside a reasonable commuting distance from the participant's community.

Other Out-of-Area Services: A participant may be provided assistance with costs incurred for out-of-area training or other activities (such as travel to take a licensing test) that are part of their Individual Employment Plan. Lodging, per diem, mileage and other reasonable and necessary costs may be covered. When calculating the level of assistance, providers may opt to cover actual costs or use Federal mileage, lodging and per diem rates and cover any amount up to that level based on available budget and other sources of assistance.

Relocation Assistance: Relocation assistance may be provided to a participant who obtains suitable employment that requires relocation from the participant's community. Assistance can be provided for costs such as payment for a rental moving truck, mileage, per diem and lodging for the period of the move. Relocation should not be provided without documentation of a job offer.

- I. Internet Services: Payment of internet services is considered an allowable expense for participants who must have internet access for distance learning. There may be other circumstances where internet payments are an allowable expense. In those circumstances case managers should request approval from their program manager prior to making internet payments.

There is no maximum number of internet payments that may be made on behalf of the participant while they are actively participating in distance learning however internet payments shall only be made on a month-to-month basis.

- J. Other Supportive Services

Other supportive services may be provided as determined by the local workforce area. Such goods and services should be reasonable and necessary for the participant to remain in training and/or obtain or retain employment. These services may include, but are not limited to:

1. Haircuts, personal grooming and hygiene needs;
2. Bonding and liability insurance for employment;
3. Work clothing (includes clothing for interviews);
4. Financial counseling or assistance;
5. Application fees and GED fees;
6. Union dues or initiation fees;
7. Auxiliary aides and services for participants with disabilities; and
8. Business licenses
9. Drug testing as required for employment (includes WEX)

- V. Unallowable Supportive Services

Payments are not allowed for titled or deeded items or when recovery of the expense is anticipated. Such items include:

1. Rent deposits or housing deposits;
2. Mortgage payments;
3. Car payments;
4. Purchase of vehicles; and
5. Fines.

FOLLOW-UP SERVICES AND ACTIVITIES

Follow-up Services are services that are provided to adult and dislocated worker participants who enter employment and all youth participants after exiting their WIA enrollment. Participant records must be kept for a minimum of three (3) years.

I. Adult and Dislocated Worker Follow-up Services

Follow-up Services must be made available to Adult and Dislocated Worker participants who exit to unsubsidized employment for a minimum of 12 months following the first day of exit.

Case managers should contact the participant at least once a quarter to check in with participants who have obtained unsubsidized employment to see if they need assistance in job retention, wage gains and career progress.

Appropriate follow-up services may vary among different participants, for example participants with multiple employment barriers and limited work histories may need significant follow-up services to ensure long-term success in the labor market including program funded supportive services. Others may identify an area of weakness in WIA training that may affect their ability to progress further in their occupation or to retain employment.

Follow-up services could include but are not limited to:

1. additional career planning and counseling
2. contact with the participant's employer, including assistance with work related problems that may arise;
3. peer support groups;
4. information about additional educational opportunities;
5. limited financial support; and
6. referral to supportive services available in the community.

WIA Final Rule pages 49319-49320

Financial assistance such as needs-related payments are not an allowable follow-up service.

II. Youth Follow-up Services

All WIA Youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow up means a quarterly contact with the youth to ascertain their status and to determine if they need additional service or support.

The types of services provided and the duration of services must be determined based on the needs of the youth. Document the needs of the youth in case notes and input this information on the follow-up tab.

Youth follow-up services may include: (1) The leadership development and supportive service activities listed in 29 CFR Parts 664.420 and 664.440; (2) Regular contact with youth participant's employer, including assistance in addressing work-related problems that arise; (3) Assistance in securing better paying jobs, career development and further education;

(4) Work-related peer support groups; (5) Adult mentoring; and (6) Tracking the progress of youth in employment after training. Follow-up services may be provided beyond 12 months, as appropriate.

III. Follow-up Activities

Follow-up activities are conducted to ensure positive outcomes and to give credit for outcomes. Obtaining supplemental data to determine if the individual is employed in the four calendar quarters following exit to unsubsidized employment is a follow-up activity.

Timelines for Quarterly Follow-Up

The first quarter follow-up should be done during the calendar quarter after the participant exits from WIA programs.

Calendar quarters:

January-March

April-June

July-September

October-December

Example:

If a participant exits September 30, 2011, follow-up would be done according to the following calendar quarters:

1st Quarter: October - December 2011

2nd Quarter: January - March 2012

3rd Quarter: April - June 2012

4th Quarter: July - September 2012

Example:

If a participant exits May 2, 2012, follow-up would be done according to the following calendar quarters:

1st Quarter: July - September 2012

2nd Quarter: October - December 2013

3rd Quarter: January - March 2013

4th Quarter: April - June 2013

Follow-up must actually occur during the quarter being recorded.

As per USDOL common measures policy (TEGL 17-05, dated 2/17/06), allowable sources of supplemental information for tracking employment-related outcomes include case management management notes, automated data base systems, documented contacts with employers, and participant surveys. Local Workforce Areas must keep in mind that all supplemental data and methods are to be documented and are subject to audit.

THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT (WARN)

The Worker Adjustment and Retraining Notification Act (**WARN**) was enacted on August 4, 1988 and became effective on February 4, 1989. Following information comes from the U.S. Department of Labor Employment and Training Administration Fact Sheet: "The Worker Adjustment and Retraining Notification Act, A Guide to Advance Notice of Closings and Layoffs."

I. General Provisions

WARN offers protection to workers, their families and communities by requiring employers to provide 60 days in advance notice of covered plant closings, and covered mass layoffs. This notice must be provided to either affected workers or their representatives (e.g., a labor union); to the state dislocated worker unit; and to the appropriate unit of local government.

II. Employer Coverage

In general, employers are covered by WARN if they have 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months and not counting employees who work an average of less than 20 hours a week. Private, for-profit employers and private, nonprofit employers are covered, as are public and quasi-public entities which operate in commercial context and are separately organized from the regular government. Regular Federal, State, and local government entities that provide public services are not covered.

III. Employee Coverage

Employees entitled to notice under **WARN** include hourly and salaried workers, as well as managerial and supervisory employees. Business partners are not entitled to notice.

IV. What Triggers Notice

Plant Closing: A covered employer must give notice if an employment site (or one or more facilities or operating units within an employment site) will be shut down, and the shutdown will result in an employment loss (as defined later) for 50 or more employees during any 30-day period. This does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

Mass Layoff: A covered employer must give notice if there is to be a mass layoff which does not result from a plant closing, but which will result in an employment loss at the employment site during any 30-day period for 500 or more employees, or for 50-499 employees if they make up at least 33% of the employer's active workforce. Again, this does not count employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week for that employer. These latter groups, however, are entitled to notice (discussed later).

An employer must also give notice if the number of employment losses which occur during a 30-day period fails to meet the threshold requirements of a plant closing or mass layoff, but the number of employment losses for 2 or more groups of workers, each of which is less than the minimum number needed to trigger notice, reaches the threshold level, during any 90-day period of either a plant closing or mass layoff. Job losses within any 90-day period will count together toward **WARN** threshold levels, unless the employer demonstrates that the employment losses during the 90-day period are the result of separate and distinct actions and causes.

V. Sale of Business

In a situation involving the sale of part or all of a business, the following requirements apply.

- A. In each situation, there is always an employer responsible for giving notice.
- B. If the sale by a covered employer results in a covered plant closing or mass layoff, the required parties (discussed later) must receive at least 60 days notice.

- C. The seller is responsible for providing notice of any covered plant closing or mass layoff, which occurs up to, and including the date/time of the sale.
- D. The buyer is responsible for providing notice of any covered plant closing or mass layoff, which occurs after the date/time of the sale.
- E. No notice is required if the sale does not result in a covered plant closing or mass layoff.
- F. Employees of the seller (other than employees who have worked less than 6 months in the last 12 months or employees who work an average of less than 20 hours a week) on the date/time of the sale become, for purposes of **WARN**, employees of the buyer immediately following the sale. This provision preserves the notice rights of the employees of a business that has been sold.

VI. Employment Loss

The term “employment loss” is an employment termination, other than a discharge for cause, voluntary departure, or retirement;

- A. A layoff exceeding 6 months; or
- B. A reduction in an employee’s hours of work of more than 50% in each month of any 6-month period.

Exceptions: An employee who refuses a transfer to a different employment site within reasonable commuting distance does not experience an employment loss. An employee who accepts a transfer outside this distance within 30 days after it is offered or within 30 days after the plant closing or mass layoff, whichever is later, does not experience an employment loss. In both cases, the transfer offer must be made before the closing or layoff, there must be no more than a 6 month break in employment, and the new job must not be deemed a constructive discharge. These transfer exceptions from the “employment loss” definition apply only if the closing or layoff results from the relocation or consolidation of part of all of the employer’s business.

VII. Exemptions

An employer does not need to give notice if a plant closing is the closing of a temporary facility, or if the closing or mass layoff is the result of the completion of a particular project or undertaking. This exemption applies only if the workers were hired with the understanding that their employment was limited to the duration of the facility, project or undertaking. An employer cannot label an ongoing project “temporary” in order to evade its obligations under **WARN**.

An employer does not need to provide notice to strikers or to workers who are part of the bargaining unit(s) which are involved in the labor negotiations that led to a lockout when the strike or lockout is equivalent to a plant closing or mass layoff. Non-striking employees who experience an employment loss as a direct or indirect result of a strike and workers who are not part of the bargaining unit(s), which are involved in the labor negotiations that led to a lockout, are still entitled to notice.

An employer does not need to give notice when permanently replacing a person who is an “economic striker” as defined under the National Labor Relations Act.

VIII. Who Must Receive Notice

The employer must give written notice to the chief elected officer of the exclusive representative(s) or bargaining agency(s) of affected employees and to unrepresented individual workers who may reasonably be expected to experience an employment loss. This includes employees who may lose their employment due to “bumping,” or displacement by other workers, to the extent that the employer can identify those employees when notice is given. If an employer cannot identify employees who may lose their jobs through bumping procedures, the employer must provide notice to the incumbents in the jobs, which are being eliminated. Employees who have worked less than 6 months in the last 12 months and employees who work an average of less than 20 hours a week are due notice, even though they

are not counted when determining the trigger levels.

The employer must also provide notice to the State dislocated worker unit and to the chief elected official of the unit of local government in which the employment site is located.

IX. Notification Period

With three exceptions, notice must be timed to reach the required parties at least 60 days before a closing or layoff. When the individual employment separations for a closing or layoff occur on more than one day, the notices are due to the representative(s), State dislocated worker unit and local government at least 60 days before the separation. If the workers are not represented, each worker's notice is due at least 60 days before that worker's separation. The exceptions to 60-day notice are:

- A. **Faltering company.** This exception, to be narrowly construed, covers situations where a company has sought new capital or business in order to stay open and where giving notice would ruin the opportunity to get the new capital or business, and applies only to plant closings;
- B. **Unforeseeable business circumstances.** This exception applies to closings and layoffs that are caused by business circumstances that were not reasonably foreseeable at the time notice would otherwise have been required; and
- C. **Natural disaster.** This applies where a closing or layoff is the direct result of a natural disaster, such as a flood, earthquake, drought or storm.

If an employer provides less than 60 days advance notice of a closing or layoff and relies on one of these three exceptions, the employer bears the burden of proof that the conditions for the exception have been met. The employer also must give as much notice as is practical.

When the notices are given, they must include a brief statement of the reason for reducing the notice period in addition to the items required in notices.

X. Form and Content of Notice

No particular form of notice is required. However, all notices must be in writing. Any reasonable method of delivery designed to ensure receipt 60 days before a closing or layoff is acceptable. Notice must be specific. Notice may be given conditionally upon the occurrence or nonoccurrence of an event only when the event is definite and its occurrence or nonoccurrence will result in a covered employment action less than 60 days after the event.

The content of the notices to the required parties is listed in section 637.7 of the **WARN** final regulations. Additional notice is required when the date(s) or 14-day period(s) for a planned plant closing or mass layoff are extended beyond the date(s) or 14-day period(s) announced in the original notice.

XI. Record

No particular form of record is required. The information employers will use to determine whether, or whom, and when they must give notice is information that employers usually keep in ordinary business practices and in complying with other laws and regulations.

XII. Penalties

An employer who violates the **WARN** provisions by ordering a plant closing or mass layoff without providing appropriate notice is liable to each affected employee for an amount including back pay and benefits for the period of violation, up to 60 days. The employer's liability may be reduced by such items as wages paid by the employer to the employee during the period of violation and voluntary and unconditional payments made by the employer to the employee.

An employer who fails to provide notice as required to a unit of local government is subject to a civil penalty not to exceed \$500 for each day of violation. This penalty may be avoided if the employer satisfies the liability to each affected employee within 3 weeks after the employer

orders the closing or layoff.

XIII. Enforcement

Enforcement of **WARN** requirements is through the United States district courts. Workers, representatives of employees and units of local government may bring individual or class action suits. In any suit, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

IX. Information

Specific requirements of the Worker Adjustment and Retraining Notification Act may be found in the Act itself, Public Law 100-379 (29 U.S.C. 2101, et seq.) The Department of Labor published final regulations on April 20, 1989 in the Federal Register (Vol. 54, No. 75).

The regulations appear at 20 CFR Part 639.

General questions on the regulations may be addressed to:
Employment and Training Administration (ETA)
Office of National Response
Division of Worker Dislocation and Special Response
200 Constitution Avenue, NW
Room N-5422
Washington, DC 20210.
Tel: 1-877-US2-JOBS (1-877-872-5627), or 202-693-3500
TTY: 1-877-889-5627

Or:

Ms. Kellen Copper
Dislocated Worker Liaison
Governor's Office of Workforce Development
Two Martin Luther King, Jr. Drive, S.W.
1104 West Tower
Atlanta, GA 30334
(404)731-5513
kcooper@georgia.gov

The US Department of Labor and the GOWD, since they have no administrative or enforcement responsibility under **WARN**, cannot provide specific advice or guidance with respect to individual situations.

RAPID RESPONSE

Rapid Response is an early intervention service provided to businesses and workers who are facing a business closure or reduction in force. One-Stop Centers across Georgia assist with the Rapid Response program.

I. Rapid Response Informational Meetings

One service provided to workers through Rapid Response is the Rapid Response informational meeting for laid off workers. These meetings provide information to workers of the services available to them in the Workforce System.

Rapid Response information meetings for laid off workers are the first priority of this program. One-Stop Centers are responsible for scheduling and arranging the details of the Rapid Response informational meeting. The partners in the communities who provide various services to people are invited to attend the Rapid Response meeting and present their program information to the workers. Some of the partners who attend a Rapid Response meeting are as follows: the Dislocated Worker program operator, Unemployment Insurance, Job Service staff, Children's Health Insurance Plan (CHIP), and Consumer Credit Counseling. Depending on the need of the workers there may be additional partners who attend a Rapid Response meeting.

The most effective means of providing the informational meeting for the workers is through the employer. When the meeting can take place at the place of employment, before the layoff date, more workers are served and the workers are better able to absorb the information presented to them.

II. Documenting A Layoff

One-Stop Centers are responsible for documenting all layoffs in their respective communities by completing an ISC (Initial Screening Contact) report. This report communicates the details of a layoff or business closure and is sent via email to the GOWD Dislocated Worker staff liaison.

Other services funded by the Rapid Response program are available to serve a limited number of participants as dislocated workers. If services such as supportive services, training, or core and intensive services are provided to a dislocated worker, the same regulations apply as the Formula Dislocated Worker program.

III. Dislocated Worker Funds

Georgia reserves 25% of the dislocated worker funds for the statewide Rapid Response activities. Many of the Rapid Response staff are regionally based and able to respond quickly and efficiently to large layoffs anywhere in the state. This system has greatly expanded the capacity of local workforce systems to assist businesses and workers going through layoffs.

Georgia distributes 70% of the dislocated worker funds to local areas. Funds are allocated according to the six federally-mandated factors, plus three additional ones. The factors and their weights are as follows:

40% Number of individuals who received unemployment insurance without earnings, for the most recent six months

5% Number of unemployed individuals in excess of 6.5% of the civilian labor force for the most recent six months

10% Number of individuals who received unemployment insurance who were from firms that were part of the Mass Layoff Statistics data for the latest two quarters

10% Number of individuals employed in industries that have experienced a decline in employment of 5% or greater over the last year

2.5% Number of individuals employed as farmers or ranchers according to the most recently available census data

2.5% Number of individuals who collected unemployment for 15 weeks or more for the last six month period

10% Number of individuals employed in manufacturing, mining and agriculture for the last six month period

10% Number of individuals employed in retail and wholesale trade for the last six month period

10% Number of individuals enrolled in WIA dislocated worker training services during the prior twelve month period.

MONITORING & REPORTING

The GOWD is required by A-133 to perform subrecipient monitoring. The March 2011 Compliance Supplement defines activities that a pass-through entity is responsible for. GOWD will meet its a-133 requirements by conducting annual onsite and desk review monitoring, providing technical assistance to its subrecipients and complying with A-133 requirements in the approval and award of funds to subrecipients.

GOWD's subrecipient monitoring plan will be defined annually. GOWD will determine sample size and key objectives for onsite and desk reviews through an annual risk assessment process. The risk assessment process shall take into account the subrecipient's program complexity, percentage of funds passed through, amount of award and an overall per-entity risk score.

GOWD will make its subrecipient monitoring plan and tools available to its subrecipients annually, prior to monitoring.

ONSITE MONITORING

Forty-five days prior to the onsite monitoring visit, GOWD sends a document request list to the Local Area. The Local Area has 15 calendar days to provide GOWD with the requested documentation. Thirty days prior to the onsite visit, an initial monitoring team consisting of the Senior Project Manager, Project Managers and Financial Specialist reviews documents; updates risk assessment for specific site, and prepares pre-planning documents. During pre-planning activities, GOWD will review the Local Area's general ledger and selects initial testing samples. One week prior to the onsite visit, GOWD sends the sample selections or request list to the Local Area. The Local Area then prepares the sample packets with requested information in preparation for the onsite visit.

GOWD monitoring team hosts an entrance meeting at the Local Area to initiate the onsite monitoring. GOWD conducts testing for a set number of days based on the identified risk level (typically between 3-5 depending upon the size of the Local Area, grant award amount, and risk assessment).

The monitoring team conducts an exit meeting with the Local Area at the conclusion of testing. During the exit meeting, the monitoring team presents draft findings and observations identified during testing. GOWD prepares a draft report based on testing observations, findings and recommendations identified. The Local Area will be provided a copy of the draft report to give the entity an opportunity to provide comments on the draft report. The Local Area submits comments to the GOWD onsite team within a specified number of days.

GOWD will modify the draft report based on feedback, if applicable, and distribute the final report within 30 days of the exit meeting. The Local Area will then have 30 days to submit a corrective action plan. GOWD will work with the entity for a 60 day period to close out the corrective action plan.

QUARTERLY REPORTING

The GOWD submits Quarterly Reports to ETA based on the Monthly Expenditure Reports submitted by Local Areas. Monthly Expenditure Reports are submitted to GOWD for each grant funding stream/program year by the 20th day of the following month. If a Local Area is in need of program assistance, the assigned GOWD Financial Specialist can provide technical support to the Local Area. The GOWD Financial Specialist will compare expenditures to federal spending requirements. The GOWD Financial Specialist will also compare reported expenditures to grant drawdowns for the quarter.

The SAO Grant Specialist will prepare the quarterly 9130 financial report and compare it to the monthly financial reports submitted by the Local Areas each month (for each program year and funding stream).

The GOWD Finance Director will then review the 9130 report and approve via email if there are no known errors. If there are errors, the GOWD Finance Director, Financial Specialist and the SAO Grants Specialist will review the monthly expenditure reports submitted by the Local Areas, payment vouchers, and cash requests to identify discrepancies or variances.

Upon request, GOWD will complete ad hoc reports for State officials.

Appendix A: Grants Management System (GMS)

Procedures for Administering Local Area WIA Funded Grants

The Grants Management System [GMS] was established to provide an efficient and effective comprehensive grants management tool to assist the Governor's Office of Workforce Development with its requisite charge of administering Workforce Investment Act [WIA] grants to each Local Workforce Investment Board [LWIB]. The system was specifically designed to adhere to strict data collection standards set forth in the WIA; and to operate independent of, but in concert with the State of Georgia's PeopleSoft Accounting System.

I. Participants

- LWIB Fiscal Officers
- Governor's Office of Workforce Development Staff [Finance Section]
- Office of Planning and Budget
- State Accounting Office

II. Technical Components

- Grants Management System
- Local Application Server
- GOWD Intranet Framework

Drawdown Request

Local Area Cash Request

Submission made electronically via email

Preferred - MS Excel Template

Alternate - PDF

Submittal made to WIADrawdown@georgia.gov (shared inbox)

Future

Auto-populate Excel

Feeds directly into GMS

Currently in beta testing

Direct entry into SQL cloud hosted server

GOWD

Submission received by Financial Specialist

Grant Check, create if needed

Verify funds availability

Process request against grant

Enter into GMS

GMS “fund checks it,” then creates RFE

CFO Approval

Reviews submissions entered by Financial Analyst

Approves, as appropriate requests of less than \$250,000

Items of \$250,000, or greater subject to Director approval

III. SAO

A. Receives PO voucher from GOWD (created by GMS)

B. Processes PO/Drawdown

C. Issues Payment to the LWIB

VI. Reporting Capabilities

A. Summarize drawdown by time period

B. Summarize drawdown by fund source

Summarize drawdown by LWIB

Technology

The software component of the system was written and designed by Deloitte & Touche, LLP. In addition to the initial design, Deloitte supplies secure remote maintenance and updates pursuant to contract.

The physical system was built according to specifications from Deloitte and consistent with state policy.

Whereas reliability and security is of the utmost importance, the content of the entire primary hard drive of the system is backed up nightly. Both the system and the backup drive are password protected. While nightly backups are automated, the system is monitored to ensure proper performance.

The system is connected to the local area network via the GOWD 1 router. It is tangent to the network that connects the GOWD staff to the SOG network. Thus, GOWD staff has login capabilities to GMS, while the system is not open to other SOG users. This system is established as such to ensure both security and accountability.

System

MS Windows Server 2008 R2 SP3

MS SQL Server 2008

Role: Application Server

Local Network Host WIN-HD1BP2NGICL

Backup

Western Digital 1TB External USB 3.0 Drive

Automated nightly at 21:00

Security

Password Protected Server

Password Protected Backup

Local Host

Locked Office